

Senate File 2338 - Introduced

SENATE FILE 2338

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 2299)

(SUCCESSOR TO SSB 3176)

A BILL FOR

1 An Act relating to government operations and efficiency and
2 other related matters, providing penalties, and including
3 effective date and applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

GOVERNMENT INFORMATION TECHNOLOGY SERVICES

Section 1. Section 8A.205, subsection 2, paragraph g, Code 2011, is amended to read as follows:

g. Encourage participating agencies to utilize duplex printing and a print on demand strategy to reduce printing costs, publication overruns, excessive inventory, and obsolete printed materials.

Sec. 2. DEPARTMENT OF ADMINISTRATIVE SERVICES —
INFORMATION TECHNOLOGY DEVICE INVENTORY.

1. The department of administrative services shall complete an inventory of information technology devices utilized by the department and participating agencies, as defined in section 8A.201. The department shall conduct the inventory with the goal of identifying potential information technology device upgrades, changes, or other efficiencies that will meet the information technology needs of the applicable department or agency at reduced cost to the state.

2. The department shall submit a report to the general assembly by January 1, 2013, describing the department's actions as required by this section. The report shall, if applicable, identify any statutory barriers or needed technology investments for pursuing efforts described in this section and shall include in the report its findings and any recommendations for legislative action.

Sec. 3. DEPARTMENT OF ADMINISTRATIVE SERVICES —
INFORMATION TECHNOLOGY COORDINATION AND MANAGEMENT.

1. The department of administrative services, in accordance with the requirements of 2010 Acts, chapter 1031, and Code section 8A.202, subsection 2, paragraph "g", to coordinate and manage information technology services within the department, shall establish a schedule by which all departments subject to the requirements of that Act and chapter 8A shall comply with these requirements. The schedule shall provide for implementation of the requirements to all affected state

1 agencies and departments by December 31, 2013. The department
2 shall submit a copy of the schedule to the general assembly
3 by July 31, 2012, and shall provide periodic updates to the
4 general assembly on the progress of meeting the time deadlines
5 contained in the schedule.

6 2. In procuring information technology as provided in
7 section 8A.207, the department of administrative services
8 should explore strategies of procuring information technology
9 through leasing.

10 DIVISION II

11 HEALTH INSURANCE TASK FORCE

12 Sec. 4. STATE EMPLOYEE HEALTH INSURANCE TASK FORCE.

13 1. A state employee health insurance task force is created
14 under the authority of the legislative council. Members of
15 the task force shall be appointed by the legislative council
16 and shall include but not be limited to members of the
17 general assembly; representatives of employee organizations
18 representing state employees; representatives of employers of
19 state employees, including the judicial branch; representatives
20 involved in administering employee health benefits from the
21 department of administrative services; and representatives from
22 insurers providing group health insurance to state employees.

23 2. The task force shall examine all aspects of providing
24 health care coverage to state employees and their families
25 with the goal of providing quality health care coverage at an
26 affordable cost. The task force shall examine strategies for
27 reducing the cost of health care coverage, including but not
28 limited to wellness and other comparable programs.

29 3. The task force shall submit a report, including its
30 findings and recommendations, to the general assembly by
31 December 31, 2012.

32 DIVISION III

33 MEDICATION THERAPY MANAGEMENT

34 Sec. 5. NEW SECTION. 8A.441 Medication therapy management.

35 1. As used in this section, unless the context otherwise

1 requires:

2 *a. "Eligible employee"* means an employee of the state, with
3 the exception of an employee of the state board of regents or
4 institutions under the state board of regents, for whom group
5 health plans are established pursuant to chapter 509A providing
6 for third-party payment or prepayment for health or medical
7 expenses.

8 *b. "Medication therapy management"* means a systematic
9 process performed by a licensed pharmacist, designed to improve
10 quality outcomes for patients and lower health care costs,
11 including emergency room, hospital, provider, and other costs,
12 by optimizing appropriate medication use linked directly to
13 achievement of the clinical goals of therapy. Medication
14 therapy management shall include all of the following services:

15 (1) A medication therapy review and in-person consultation
16 relating to all medications, vitamins, and herbal supplements
17 currently being taken by an eligible individual.

18 (2) A medication action plan, subject to the limitations
19 specified in this section, communicated to the individual and
20 the individual's primary care physician or other appropriate
21 prescriber to address issues including appropriateness,
22 effectiveness, safety, drug interactions, and adherence. The
23 medication action plan may include drug therapy recommendations
24 to prescribers that are needed to meet clinical goals and
25 achieve optimal patient outcomes.

26 (3) Documentation and follow-up to ensure consistent levels
27 of pharmacy services and positive outcomes.

28 2. *a.* The department shall utilize a request for proposals
29 process and shall enter into a contract for the provision of
30 medication therapy management services for eligible employees
31 who meet any of the following criteria:

32 (1) An individual who takes four or more prescription drugs
33 to treat or prevent two or more chronic medical conditions.

34 (2) An individual with a prescription drug therapy problem
35 who is identified by the prescribing physician or other

1 appropriate prescriber, and referred to a pharmacist for
2 medication therapy management services.

3 (3) An individual who meets other criteria established by
4 the third-party payment provider contract, policy, or plan.

5 *b.* The contract shall require the entity to provide annual
6 reports to the general assembly detailing the costs, savings,
7 estimated cost avoidance and return on investment, and improved
8 patient outcomes related to the medication therapy management
9 services provided. The entity shall guarantee demonstrated
10 annual savings for overall health care costs, including
11 emergency room, hospital, provider, and other costs, with
12 savings including associated cost avoidance, at least equal
13 to the program's costs with any shortfall amount refunded to
14 the state. The contract shall include terms, conditions,
15 and applicable measurement standards associated with the
16 demonstration of savings. The department shall verify the
17 demonstrated savings reported by the entity were achieved in
18 accordance with the agreed upon measurement standards. The
19 entity shall be prohibited from using the entity's employees to
20 provide the medication therapy management services and shall
21 instead be required to contract with licensed pharmacies,
22 pharmacists, or physicians.

23 *c.* The department may establish an advisory committee
24 comprised of an equal number of physicians and pharmacists
25 to provide advice and oversight in evaluating the results of
26 the program. The department shall appoint the members of the
27 advisory committee based upon designees of the Iowa pharmacy
28 association, the Iowa medical society, and the Iowa osteopathic
29 medical association.

30 *d.* The fees for pharmacist-delivered medication therapy
31 management services shall be separate from the reimbursement
32 for prescription drug product or dispensing services; shall
33 be determined by each third-party payment provider contract,
34 policy, or plan; and must be reasonable based on the resources
35 and time required to provide the service.

1 e. A fee shall be established for physician reimbursement
2 for services delivered for medication therapy management as
3 determined by each third-party payment provider contract,
4 policy, or plan, and must be reasonable based on the resources
5 and time required to provide the service.

6 f. If any part of the medication therapy management
7 plan developed by a pharmacist incorporates services which
8 are outside the pharmacist's independent scope of practice
9 including the initiation of therapy, modification of dosages,
10 therapeutic interchange, or changes in drug therapy, the
11 express authorization of the individual's physician or other
12 appropriate prescriber is required.

13 Sec. 6. EFFECTIVE UPON ENACTMENT. This division of this
14 Act, being deemed of immediate importance, takes effect upon
15 enactment.

16 DIVISION IV

17 STATE PHYSICAL RESOURCES

18 Sec. 7. STATE EMPLOYEE WORK ENVIRONMENT ANALYSIS
19 AND REPORT. By September 30, 2012, the department of
20 administrative services shall conduct a high level needs
21 analysis of state employee work stations and office standards,
22 assessing adequate square footage needs, and creating healthy,
23 productive, and efficient work environments in an economical
24 manner. Overall objectives of the analysis shall include
25 improving employee density; properly allocating space for
26 individual and group work; improving worker health and
27 safety; improving technology integration; and improving energy
28 efficiency and sustainability in state offices. The department
29 shall submit findings and recommendations to the capitol
30 planning commission and to the legislative fiscal committee by
31 October 30, 2012.

32 DIVISION V

33 AUDITS

34 Sec. 8. Section 11.6, subsection 10, Code Supplement 2011,
35 is amended to read as follows:

1 10. The auditor of state shall adopt rules in accordance
2 with chapter 17A to establish and collect a filing fee for
3 the filing of each report of audit or examination conducted
4 pursuant to ~~subsections 1 through 3~~ subsection 1, paragraphs "a"
5 and "c", subsection 2, and subsection 3. The funds collected
6 shall be maintained in a segregated account for use by the
7 office of the auditor of state in performing audits conducted
8 pursuant to subsection 4 and for work paper reviews conducted
9 pursuant to subsection 5. Any funds collected by the auditor
10 pursuant to subsection 4 shall be deposited in this account.
11 Notwithstanding section 8.33, the funds in this account shall
12 not revert at the end of any fiscal year.

13 Sec. 9. Section 182.18, subsection 1, Code 2011, is amended
14 to read as follows:

15 1. Moneys collected under this chapter are subject to audit
16 by the auditor of state and shall be used by the Iowa sheep and
17 wool promotion board first for the payment of collection and
18 refund expenses, second for payment of the costs and expenses
19 arising in connection with conducting referendums, and third
20 for the purposes identified in section 182.11, ~~and fourth for~~
21 ~~the cost of audits for the auditor of state.~~ Moneys of the
22 board remaining after a referendum is held at which a majority
23 of the voters favor termination of the board and the assessment
24 shall continue to be expended in accordance with this chapter
25 until exhausted. ~~The auditor of state may seek reimbursement~~
26 ~~for the cost of the audit.~~

27 Sec. 10. Section 184.14, subsection 2, Code 2011, is amended
28 to read as follows:

29 2. Moneys collected, deposited in the fund, and transferred
30 to the council as provided in this chapter are subject to
31 audit by the auditor of state. ~~The auditor of state may~~
32 ~~seek reimbursement for the cost of the audit.~~ The moneys
33 transferred to the council shall be used by the council first
34 for the payment of collection expenses, second for payment of
35 the costs and expenses arising in connection with conducting

1 referendums, and third to perform the functions and carry out
2 the duties of the council as provided in this chapter, ~~and~~
3 ~~fourth for the cost of audits by the auditor of state.~~ Moneys
4 remaining after the council is abolished and the imposition of
5 an assessment is terminated pursuant to a referendum conducted
6 pursuant to section 184.5 shall continue to be expended in
7 accordance with this chapter until exhausted.

8 Sec. 11. Section 184A.6, subsection 2, Code 2011, is amended
9 to read as follows:

10 2. The council shall expend moneys from the account first
11 for the payment of expenses for the collection of assessments,
12 ~~second~~ and then for the payment of expenses related to
13 conducting a referendum as provided in section 184A.12, ~~and~~
14 ~~and third for the cost of audits by the auditor of state as~~
15 ~~required in section 184A.9.~~ The council shall expend remaining
16 moneys for market development, producer education, and the
17 payment of refunds to producers as provided in this chapter.

18 Sec. 12. Section 184A.9, Code 2011, is amended to read as
19 follows:

20 **184A.9 Audit.**

21 Moneys required to be deposited in the turkey council
22 account as provided in section 184A.4 shall be subject to
23 audit by the auditor of state. ~~The auditor of state may seek~~
24 ~~reimbursement for the cost of the audit from moneys deposited~~
25 ~~in the turkey council account.~~

26 Sec. 13. Section 185C.26, Code 2011, is amended to read as
27 follows:

28 **185C.26 Deposit of moneys — corn promotion fund.**

29 A state assessment collected by the board from a sale of corn
30 shall be deposited in the office of the treasurer of state in
31 a special fund known as the corn promotion fund. The fund may
32 include any gifts, rents, royalties, interest, license fees,
33 or a federal or state grant received by the board. Moneys
34 collected, deposited in the fund, and transferred to the board
35 as provided in this chapter shall be subject to audit by the

1 auditor of state. ~~The auditor of state may seek reimbursement~~
2 ~~for the cost of the audit from moneys deposited in the fund as~~
3 ~~provided in this chapter.~~ The department of administrative
4 services shall transfer moneys from the fund to the board
5 for deposit into an account established by the board in a
6 qualified financial institution. The department shall transfer
7 the moneys as provided in a resolution adopted by the board.
8 However, the department is only required to transfer moneys
9 once during each day and only during hours when the offices of
10 the state are open. From moneys collected, the board shall
11 first pay all the direct and indirect costs incurred by the
12 secretary and the costs of referendums, elections, and other
13 expenses incurred in the administration of this chapter, before
14 moneys may be expended for the purpose of carrying out the
15 purposes of this chapter as provided in section 185C.11.

16 Sec. 14. EFFECTIVE UPON ENACTMENT. This division of this
17 Act, being deemed of immediate importance, takes effect upon
18 enactment.

19 DIVISION VI

20 HOMELAND SECURITY AND EMERGENCY MANAGEMENT ORGANIZATION

21 Sec. 15. Section 7E.5, subsection 1, paragraph p, Code
22 Supplement 2011, is amended to read as follows:

23 *p.* The department of public defense, created in section
24 29.1, which has primary responsibility for state military
25 forces and emergency management.

26 Sec. 16. Section 7E.5, subsection 1, Code Supplement 2011,
27 is amended by adding the following new paragraph:

28 NEW PARAGRAPH. *w.* The department of homeland security
29 and emergency management, created in section 29C.5, which has
30 primary responsibility for the administration of emergency
31 planning matters, including emergency resource planning in
32 this state, homeland security activities, and coordination of
33 available services and resources in the event of a disaster to
34 include those services and resources of the federal government
35 and private entities.

1 Sec. 17. Section 8A.202, subsection 5, paragraph e, Code
2 2011, is amended to read as follows:

3 e. (1) The department of public defense, ~~including both~~
4 ~~the military division and the homeland security and emergency~~
5 ~~management division,~~ shall not be required to obtain any
6 information technology services pursuant to this subchapter
7 for the department of public defense ~~or its divisions~~ that is
8 provided by the department pursuant to this chapter without the
9 consent of the adjutant general.

10 (2) The department of homeland security and emergency
11 management shall not be required to obtain any information
12 technology services pursuant to this subchapter for the
13 department of homeland security and emergency management that
14 is provided by the department pursuant to this chapter without
15 the consent of the director of the department of homeland
16 security and emergency management.

17 Sec. 18. Section 8D.2, subsection 5, paragraph b, Code
18 Supplement 2011, is amended to read as follows:

19 b. For the purposes of this chapter, "*public agency*" also
20 includes any homeland security or defense facility or disaster
21 response agency established by the ~~administrator~~ director of
22 the department of homeland security and emergency management
23 ~~division of the department of public defense~~ or the governor
24 or any facility connected with a security or defense system or
25 disaster response as required by the ~~administrator~~ director of
26 the department of homeland security and emergency management
27 ~~division of the department of public defense~~ or the governor.

28 Sec. 19. Section 8D.9, subsection 3, Code Supplement 2011,
29 is amended to read as follows:

30 3. A facility that is considered a public agency pursuant
31 to section 8D.2, subsection 5, paragraph "b", shall be
32 authorized to access the Iowa communications network strictly
33 for homeland security communication purposes and disaster
34 communication purposes. Any utilization of the network that
35 is not related to communications concerning homeland security

1 or a disaster, as defined in section 29C.2, is expressly
2 prohibited. Access under this subsection shall be available
3 only if a state of disaster emergency is proclaimed by the
4 governor pursuant to section 29C.6 or a homeland security
5 or disaster event occurs requiring connection of disparate
6 communications systems between public agencies to provide
7 for a multiagency or multijurisdictional response. Access
8 shall continue only for the period of time the homeland
9 security or disaster event exists. For purposes of this
10 subsection, disaster communication purposes includes training
11 and exercising for a disaster if public notice of the training
12 and exercising session is posted on the ~~website~~ internet site
13 of the department of homeland security and emergency management
14 ~~division of the department of public defense~~. A scheduled and
15 noticed training and exercising session shall not exceed five
16 days. Interpretation and application of the provisions of this
17 subsection shall be strictly construed.

18 Sec. 20. Section 16.191, subsection 2, paragraph e, Code
19 Supplement 2011, is amended to read as follows:

20 e. The ~~administrator~~ director of the department of homeland
21 security and emergency management ~~division of the department of~~
22 ~~public defense~~ or the ~~administrator's~~ director's designee.

23 Sec. 21. Section 22.7, subsection 45, Code Supplement 2011,
24 is amended to read as follows:

25 45. The critical asset protection plan or any part of the
26 plan prepared pursuant to section 29C.8 and any information
27 held by the department of homeland security and emergency
28 management ~~division~~ that was supplied to the ~~division~~
29 department by a public or private agency or organization and
30 used in the development of the critical asset protection plan
31 to include, but not be limited to, surveys, lists, maps, or
32 photographs. However, the ~~administrator~~ director shall make
33 the list of assets available for examination by any person.
34 A person wishing to examine the list of assets shall make
35 a written request to the ~~administrator~~ director on a form

1 approved by the ~~administrator~~ director. The list of assets may
2 be viewed at the ~~division's~~ department's offices during normal
3 working hours. The list of assets shall not be copied in any
4 manner. Communications and asset information not required by
5 law, rule, or procedure that are provided to the ~~administrator~~
6 director by persons outside of government and for which the
7 ~~administrator~~ director has signed a nondisclosure agreement are
8 exempt from public disclosures. The department of homeland
9 security and emergency management ~~division~~ may provide all or
10 part of the critical asset plan to federal, state, or local
11 governmental agencies which have emergency planning or response
12 functions if the ~~administrator~~ director is satisfied that
13 the need to know and intended use are reasonable. An agency
14 receiving critical asset protection plan information from the
15 ~~division~~ department shall not redisseminate the information
16 without prior approval of the ~~administrator~~ director.

17 Sec. 22. Section 23A.2, subsection 10, paragraph m, Code
18 2011, is amended to read as follows:

19 *m.* The repair, calibration, or maintenance of radiological
20 detection equipment by the department of homeland security
21 and emergency management ~~division of the department of public~~
22 ~~defense~~.

23 Sec. 23. Section 29.1, Code 2011, is amended to read as
24 follows:

25 **29.1 Department of public defense.**

26 The department of public defense is composed of the ~~military~~
27 ~~division and the homeland security and emergency management~~
28 ~~division~~ office of the adjutant general and the military forces
29 of the state of Iowa. The adjutant general is the director of
30 the department of public defense and the ~~budget and personnel~~
31 ~~of all of the divisions are subject to the approval of the~~
32 ~~adjutant general~~ shall perform all functions, responsibilities,
33 powers, and duties over the military forces of the state of
34 Iowa as provided in the laws of the state. The ~~Iowa emergency~~
35 ~~response commission established by section 30.2 is attached to~~

1 ~~the department of public defense for organizational purposes.~~

2 Sec. 24. Section 29.2A, Code 2011, is amended to read as
3 follows:

4 **29.2A Airport fire fighters — maximum age.**

5 The maximum age for a person to be employed as an airport
6 fire fighter by the ~~military division of the~~ department of
7 public defense is sixty-five years of age.

8 Sec. 25. Section 29A.3A, subsection 4, paragraph a, Code
9 2011, is amended to read as follows:

10 a. Operations and administration of the civil air patrol
11 relating to missions not qualifying for federal mission status
12 shall be funded by the state from moneys appropriated to the
13 department of homeland security and emergency management
14 ~~division of the department of public defense~~ for that purpose.

15 Sec. 26. Section 29A.12, subsection 1, Code 2011, is amended
16 to read as follows:

17 1. The adjutant general shall have command and control of
18 the ~~military division~~ department of public defense, and perform
19 such duties as pertain to the office of the adjutant general
20 under law and regulations, pursuant to the authority vested in
21 the adjutant general by the governor. The adjutant general
22 shall superintend the preparation of all letters and reports
23 required by the United States from the state, and perform all
24 the duties prescribed by law. The adjutant general shall
25 have charge of the state military reservations, and all other
26 property of the state kept or used for military purposes. The
27 adjutant general may accept and expend nonappropriated funds
28 in accordance with law and regulations. The adjutant general
29 shall cause an inventory to be taken at least once each year
30 of all military stores, property, and funds under the adjutant
31 general's jurisdiction. In each year preceding a regular
32 session of the general assembly, the adjutant general shall
33 prepare a detailed report of the transactions of that office,
34 its expenses, and other matters required by the governor for
35 the period since the last preceding report, and the governor

1 may at any time require a similar report.

2 Sec. 27. Section 29A.56, Code 2011, is amended to read as
3 follows:

4 **29A.56 Special police.**

5 The adjutant general may by order entered of record
6 commission one or more of the employees of the ~~military~~
7 ~~division~~ department of public defense as special police. Such
8 special police shall on the premises of any state military
9 reservation or other state military property have and exercise
10 the powers of regular peace officers.

11 Sec. 28. Section 29C.1, subsection 1, Code 2011, is amended
12 to read as follows:

13 1. To establish a department of homeland security
14 and emergency management ~~division of the department of~~
15 ~~public defense~~ and to authorize the establishment of local
16 organizations for emergency management in the political
17 subdivisions of the state.

18 Sec. 29. Section 29C.2, Code Supplement 2011, is amended by
19 adding the following new subsections:

20 NEW SUBSECTION. 1A. "*Department*" means the department of
21 homeland security and emergency management.

22 NEW SUBSECTION. 1B. "*Director*" means the director of the
23 department of homeland security and emergency management.

24 Sec. 30. Section 29C.5, Code 2011, is amended to read as
25 follows:

26 **29C.5 Homeland Department of homeland security and emergency**
27 **management ~~division~~.**

28 A The department of homeland security and emergency
29 management ~~division~~ is created ~~within the department of public~~
30 ~~defense~~. The department of homeland security and emergency
31 management ~~division~~ shall be responsible for the administration
32 of emergency planning matters, including emergency resource
33 planning in this state, cooperation with, support of, funding
34 for, and tasking of the civil air patrol for missions not
35 qualifying for federal mission status as described in section

1 29A.3A in accordance with operational and funding criteria
2 developed with the adjutant general and coordinated with
3 the civil air patrol, homeland security activities, and
4 coordination of available services and resources in the event
5 of a disaster to include those services and resources of the
6 federal government and private entities. The Iowa emergency
7 response commission established by section 30.2 is attached to
8 the department of homeland security and emergency management
9 for organizational purposes.

10 Sec. 31. Section 29C.8, Code Supplement 2011, is amended to
11 read as follows:

12 **29C.8 Powers and duties of ~~administrator~~ director.**

13 1. The department of homeland security and emergency
14 management ~~division~~ shall be under the management of an
15 ~~administrator~~ a director appointed by the governor.

16 2. The ~~administrator~~ director shall be vested with the
17 authority to administer emergency management and homeland
18 security affairs in this state and shall be responsible for
19 preparing and executing the emergency management and homeland
20 security programs of this state subject to the direction of the
21 ~~adjutant general~~ governor. In the event of a disaster beyond
22 local control, the director may assume direct operational
23 control over all or any part of the emergency management
24 functions within this state.

25 3. The ~~administrator~~ director, upon the direction of
26 the governor ~~and supervisory control of the director of the~~
27 ~~department of public defense~~, shall:

28 a. Prepare a comprehensive emergency plan and emergency
29 management program for homeland security, disaster
30 preparedness, response, recovery, mitigation, emergency
31 operation, and emergency resource management of this state.
32 The plan and program shall be integrated into and coordinated
33 with the homeland security and emergency plans of the federal
34 government and of other states to the fullest possible extent
35 and. The director shall also coordinate the preparation of

1 plans and programs for emergency management of the political
2 subdivisions and various state departments of this state.
3 The plans shall be integrated into and coordinated with a
4 comprehensive state homeland security and emergency program for
5 this state as coordinated by the ~~administrator of the homeland~~
6 ~~security and emergency management division~~ director to the
7 fullest possible extent.

8 *b.* Make such studies and surveys of the industries,
9 resources, and facilities in this state as may be necessary to
10 ascertain the vulnerabilities of critical state infrastructure
11 and assets to attack and the capabilities of the state for
12 disaster recovery, disaster planning and operations, and
13 emergency resource management, and to plan for the most
14 efficient emergency use thereof.

15 *c.* Provide technical assistance to any commission requiring
16 the assistance in the development of an emergency management
17 or homeland security program.

18 *d.* Implement planning and training for emergency response
19 teams as mandated by the federal government under the
20 Comprehensive Environmental Response, Compensation, and
21 Liability Act of 1980 as amended by the Superfund Amendments
22 and Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq.

23 *e.* Prepare a critical asset protection plan that contains
24 an inventory of infrastructure, facilities, systems, other
25 critical assets, and symbolic landmarks; an assessment of the
26 criticality, vulnerability, and level of threat to the assets;
27 and information pertaining to the mobilization, deployment, and
28 tactical operations involved in responding to or protecting the
29 assets.

30 *f.* Approve and support the development and ongoing
31 operations of homeland security and emergency response teams to
32 be deployed as a resource to supplement and enhance disrupted
33 or overburdened local emergency and disaster operations and
34 deployed as available to provide assistance to other states
35 pursuant to the interstate emergency management assistance

1 compact described in section 29C.21. The following shall apply
2 to homeland security and emergency response teams:

3 (1) A member of a homeland security and emergency response
4 team acting under this section upon the directive of the
5 ~~administrator~~ director or pursuant to a governor's disaster
6 proclamation as provided in section 29C.6 shall be considered
7 an employee of the state for purposes of section 29C.21 and
8 chapter 669 and shall be afforded protection as an employee
9 of the state under section 669.21. Disability, workers'
10 compensation, and death benefits for team members working
11 under the authority of the ~~administrator~~ director or pursuant
12 to the provisions of section 29C.6 shall be paid by the
13 state in a manner consistent with the provisions of chapter
14 85, 410, or 411 as appropriate, depending on the status of
15 the member, provided that the member is registered with the
16 ~~homeland security and emergency management division~~ department
17 as a member of an approved team and is participating as a
18 team member in a response or recovery operation initiated
19 by the ~~administrator~~ director or governor pursuant to this
20 section or in a training or exercise activity approved by the
21 ~~administrator~~ director.

22 (2) Each approved homeland security and emergency
23 management response team shall establish standards for team
24 membership, shall provide the division with a listing of all
25 team members, and shall update the list each time a member is
26 removed from or added to the team. Individuals so identified
27 as team members shall be considered to be registered as team
28 members for purposes of subparagraph (1).

29 (3) Upon notification of a compensable loss to a member of
30 a homeland security and emergency management response team, the
31 department of administrative services shall process the claim
32 and seek authorization from the executive council to pay as an
33 expense paid from the appropriations addressed in section 7D.29
34 those costs associated with covered benefits.

35 g. Implement and support the national incident management

1 system as established by the United States department of
2 homeland security to be used by state agencies and local and
3 tribal governments to facilitate efficient and effective
4 assistance to those affected by emergencies and disasters.

5 4. The ~~administrator~~ director, with the approval of the
6 governor ~~and upon recommendation of the adjutant general~~, may
7 employ a deputy ~~administrator~~ director and such technical,
8 clerical, stenographic, and other personnel and make such
9 expenditures within the appropriation or from other funds made
10 available to the department ~~of public defense for purposes of~~
11 ~~emergency management~~, as may be necessary to administer this
12 chapter.

13 5. The ~~homeland security and emergency management division~~
14 department may charge fees for the repair, calibration, or
15 maintenance of radiological detection equipment and may expend
16 funds in addition to funds budgeted for the servicing of the
17 radiological detection equipment. The ~~division~~ department
18 shall adopt rules pursuant to chapter 17A providing for the
19 establishment and collection of fees for radiological detection
20 equipment repair, calibration, or maintenance services and
21 for entering into agreements with other public and private
22 entities to provide the services. Fees collected for repair,
23 calibration, or maintenance services shall be treated as
24 repayment receipts as defined in section 8.2 and shall be used
25 for the operation of the ~~division's~~ department's radiological
26 maintenance facility or radiation incident response training.

27 Sec. 32. Section 29C.8A, subsection 2, Code Supplement
28 2011, is amended to read as follows:

29 2. The emergency response fund shall be administered by the
30 ~~homeland security and emergency management division~~ department
31 to carry out planning and training for the emergency response
32 teams.

33 Sec. 33. Section 29C.9, subsections 1, 5, 7, 8, and 10, Code
34 Supplement 2011, are amended to read as follows:

35 1. The county boards of supervisors, city councils, and

1 the sheriff in each county shall cooperate with the ~~homeland~~
2 ~~security and emergency management division of the department of~~
3 ~~public defense department~~ to establish a commission to carry
4 out the provisions of this chapter.

5 5. The commission shall model its bylaws and conduct its
6 business according to the guidelines provided in the ~~state~~
7 ~~division's department's~~ administrative rules.

8 7. The commission shall delegate to the emergency
9 management coordinator the authority to fulfill the
10 commission duties as described in the ~~division's department's~~
11 administrative rules. Each commission shall appoint a
12 local emergency management coordinator who shall meet the
13 qualifications specified in the administrative rules by the
14 ~~administrator of the homeland security and emergency management~~
15 ~~division director~~. Additional emergency management personnel
16 may be appointed at the discretion of the commission.

17 8. The commission shall develop, adopt, and submit
18 for approval by local governments within the commission's
19 jurisdiction, a comprehensive emergency plan which meets
20 standards adopted by the ~~division department~~ in accordance
21 with chapter 17A. If an approved comprehensive emergency
22 plan has not been prepared according to established standards
23 and the ~~administrator of the homeland security and emergency~~
24 ~~management division director~~ finds that satisfactory progress
25 is not being made toward the completion of the plan, or if
26 the ~~administrator~~ director finds that a commission has failed
27 to appoint a qualified emergency management coordinator as
28 provided in this chapter, the ~~administrator~~ director shall
29 notify the governing bodies of the counties and cities affected
30 by the failure and the governing bodies shall not appropriate
31 any moneys to the local emergency management fund until the
32 comprehensive emergency plan is prepared and approved or a
33 qualified emergency management coordinator is appointed.
34 If the ~~administrator~~ director finds that a commission has
35 appointed an unqualified emergency management coordinator,

1 the ~~administrator~~ director shall notify the commission citing
2 the qualifications which are not met and the commission shall
3 not approve the payment of the salary or expenses of the
4 unqualified emergency management coordinator.

5 10. Two or more commissions may, upon review by the
6 ~~state administrator~~ director and with the approval of their
7 respective boards of supervisors and cities, enter into
8 agreements pursuant to chapter 28E for the joint coordination
9 and administration of emergency management services throughout
10 the multicounty area.

11 Sec. 34. Section 29C.11, subsection 1, Code Supplement
12 2011, is amended to read as follows:

13 1. The local emergency management commission shall, in
14 collaboration with other public and private agencies within
15 this state, develop mutual aid arrangements for reciprocal
16 disaster services and recovery aid and assistance in case
17 of disaster too great to be dealt with unassisted. The
18 arrangements shall be consistent with the ~~homeland security and~~
19 ~~emergency management division~~ department plan and program, and
20 in time of emergency each local emergency management agency
21 shall render assistance in accordance with the provisions of
22 the mutual aid arrangements.

23 Sec. 35. Section 29C.12, Code 2011, is amended to read as
24 follows:

25 **29C.12 Use of existing facilities.**

26 In carrying out the provisions of this chapter, the
27 governor, and the director ~~of the department of public defense,~~
28 and the executive officers or governing boards of political
29 subdivisions of the state shall utilize, to the maximum extent
30 practicable, the services, equipment, supplies, and facilities
31 of existing departments, officers, and agencies of the state
32 and of political subdivisions at their respective levels of
33 responsibility.

34 Sec. 36. Section 29C.12A, Code 2011, is amended to read as
35 follows:

1 **29C.12A Participation in funding disaster recovery facility.**

2 All state government departments and agencies may
3 participate in sharing the cost of the design, construction,
4 and operation of a disaster recovery facility located in the
5 ~~STARC~~ joint forces headquarters armory at Camp Dodge. State
6 departments and agencies may use funds from any source,
7 including but not limited to user fees and appropriations
8 for operational or capital purposes, to participate in the
9 facility.

10 Sec. 37. Section 29C.14, Code 2011, is amended to read as
11 follows:

12 **29C.14 Director of the department of administrative services**
13 **to issue warrants.**

14 The director of the department of administrative services
15 shall draw warrants on the treasurer of state for the purposes
16 specified in this chapter, upon duly itemized and verified
17 vouchers that have been approved by the ~~administrator~~ director
18 of the department of homeland security and emergency management
19 ~~division~~.

20 Sec. 38. Section 29C.18, subsection 1, Code 2011, is amended
21 to read as follows:

22 1. Every organization for homeland security and emergency
23 management established pursuant to this chapter and its
24 officers shall execute and enforce the orders or rules made by
25 the governor, or under the governor's authority and the orders
26 or rules made by subordinate organizations and not contrary or
27 inconsistent with the orders or rules of the governor.

28 Sec. 39. Section 29C.20B, Code Supplement 2011, is amended
29 to read as follows:

30 **29C.20B Disaster case management.**

31 1. The department of homeland security and emergency
32 management ~~division~~ shall work with the department of
33 human services and nonprofit, voluntary, and faith-based
34 organizations active in disaster recovery and response in
35 coordination with the department of human services to establish

1 a statewide system of disaster case management to be activated
2 following the governor's proclamation of a disaster emergency
3 or the declaration of a major disaster by the president of
4 the United States for individual assistance purposes. Under
5 the system, the department of homeland security and emergency
6 ~~management division~~ shall coordinate case management services
7 locally through local committees as established in each
8 commission's emergency plan.

9 2. The department of homeland security and emergency
10 ~~management division~~, in conjunction with the department of
11 human services and an Iowa representative to the national
12 voluntary organizations active in disaster, shall adopt rules
13 pursuant to chapter 17A to create coordination mechanisms
14 and standards for the establishment and implementation of
15 a statewide system of disaster case management which shall
16 include at least all of the following:

17 a. Disaster case management standards.
18 b. Disaster case management policies.
19 c. Reporting requirements.
20 d. Eligibility criteria.
21 e. Coordination mechanisms necessary to carry out the
22 services provided.

23 f. Development of formal working relationships with
24 agencies and creation of interagency agreements for those
25 considered to provide disaster case management services.

26 g. Coordination of all available services for individuals
27 from multiple agencies.

28 Sec. 40. Section 29C.22, subsection 3, paragraph c, Code
29 Supplement 2011, is amended to read as follows:

30 c. The authorized representative of a participating
31 government may initiate a request by contacting the department
32 of homeland security and emergency management ~~division of the~~
33 ~~state department of public defense~~. When a request is received
34 by the division department, the division department shall
35 directly contact other participating governments to coordinate

1 the provision of mutual aid.

2 Sec. 41. Section 29C.22, subsection 11, paragraphs b and c,
3 Code Supplement 2011, are amended to read as follows:

4 *b.* Any participating government may withdraw from this
5 compact by adopting an ordinance or resolution repealing the
6 same, but a withdrawal shall not take effect until thirty days
7 after the governing body of the withdrawing participating
8 government has given notice in writing of the withdrawal to the
9 ~~administrator~~ director of the department of homeland security
10 and emergency management ~~division~~ who shall notify all other
11 participating governments. The action shall not relieve the
12 withdrawing political subdivision from obligations assumed
13 under this compact prior to the effective date of withdrawal.

14 *c.* Duly authenticated copies of this compact and any
15 supplementary agreements as may be entered into shall
16 be deposited, at the time of their approval, with the
17 ~~administrator~~ director of the department of homeland security
18 and emergency management ~~division~~ who shall notify all
19 participating governments and other appropriate agencies of
20 state government.

21 Sec. 42. Section 30.2, subsections 1 and 2, Code Supplement
22 2011, are amended to read as follows:

23 1. The Iowa emergency response commission is established.
24 The commission is responsible directly to the governor. The
25 commission is attached to the department of ~~public defense~~
26 homeland security and emergency management for routine
27 administrative and support services only.

28 2. *a.* The commission is composed of ~~fifteen~~ sixteen members
29 appointed by the governor. One member shall be appointed to
30 represent the department of homeland security and emergency
31 management, one to represent the department of agriculture and
32 land stewardship, one to represent the department of workforce
33 development, one to represent the department of justice, one to
34 represent the department of natural resources, one to represent
35 the department of public defense, one to represent the Iowa

1 department of public health, one to represent the department
2 of public safety, one to represent the state department of
3 transportation, one to represent the state fire service and
4 emergency response council, one to represent a local emergency
5 planning committee, one to represent the Iowa hazardous
6 materials task force, and one to represent the office of the
7 governor. Three representatives from private industry shall
8 also be appointed by the governor, subject to confirmation by
9 the senate.

10 *b.* The commission members representing the departments
11 of homeland security and emergency management, workforce
12 development, natural resources, public defense, public safety,
13 and transportation, a local emergency planning committee,
14 and one private industry representative designated by the
15 commission shall be voting members of the commission. The
16 remaining members of the commission shall serve as nonvoting,
17 advisory members.

18 Sec. 43. Section 30.5, subsection 2, Code 2011, is amended
19 to read as follows:

20 2. The commission may enter into agreements pursuant to
21 chapter 28E to accomplish any duty imposed upon the commission
22 by the Emergency Planning and Community Right-to-know Act,
23 but the commission shall not compensate any governmental unit
24 for the performance of duties pursuant to such an agreement.
25 Funding for administering the duties of the commission under
26 sections 30.7, 30.8, and 30.9 shall be included in the budgets
27 of the department of natural resources and the department of
28 ~~public defense~~ homeland security and emergency management.

29 Sec. 44. Section 30.9, Code Supplement 2011, is amended to
30 read as follows:

31 **30.9 Duties to be allocated to department of ~~public defense~~**
32 **homeland security and emergency management.**

33 Agreements negotiated by the commission and the department
34 of ~~public defense~~ homeland security and emergency management
35 shall provide for the allocation of duties to the department

1 of ~~public defense~~ homeland security and emergency management
2 as follows:

3 1. Comprehensive emergency plans required to be developed
4 under section 303 of the Emergency Planning and Community
5 ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C. § 11003, shall
6 be submitted to the department of ~~public defense~~ homeland
7 security and emergency management. Committee submission to
8 that department constitutes compliance with the requirement for
9 reporting to the commission. After initial submission, a plan
10 need not be resubmitted unless revisions are requested by the
11 commission. The department of ~~public defense~~ homeland security
12 and emergency management shall review the plan on behalf of the
13 commission and shall incorporate the provisions of the plan
14 into its responsibilities under chapter 29C.

15 2. The department of ~~public defense~~ homeland security and
16 emergency management shall advise the commission of the failure
17 of any committee to submit an initial comprehensive emergency
18 response and recovery plan or a revised plan requested by the
19 commission.

20 3. The department of ~~public defense~~ homeland security and
21 emergency management shall make available to the public upon
22 request during normal working hours the information in its
23 possession pursuant to section 324 of the Emergency Planning
24 and Community ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C.
25 § 11044.

26 Sec. 45. Section 34A.2, subsection 2, Code 2011, is amended
27 to read as follows:

28 ~~2.~~ 3A. "~~Administrator~~" "Director" means the administrator
29 director of the department of homeland security and emergency
30 ~~management division of the department of public defense.~~

31 Sec. 46. Section 34A.2A, Code 2011, is amended to read as
32 follows:

33 **34A.2A Program manager — appointment — duties.**

34 1. The ~~administrator~~ director of the department of homeland
35 ~~security and emergency management division of the department~~

1 ~~of public defense~~ shall appoint an E911 program manager to
2 administer this chapter.

3 2. The E911 program manager shall act under the supervisory
4 control of the ~~administrator~~ director of the department of
5 homeland security and emergency management ~~division of the~~
6 ~~department of public defense~~, and in consultation with the
7 E911 communications council, and shall perform the duties
8 specifically set forth in this chapter and as assigned by the
9 ~~administrator~~ director.

10 Sec. 47. Section 34A.6, subsection 3, Code 2011, is amended
11 to read as follows:

12 3. The secretary of state, in consultation with the
13 ~~administrator~~ director, shall adopt rules for the conduct of
14 joint E911 service referendums as required by and consistent
15 with subsections 1 and 2.

16 Sec. 48. Section 34A.7A, subsection 1, paragraph a, Code
17 2011, is amended to read as follows:

18 a. Notwithstanding section 34A.6, the ~~administrator~~ director
19 shall adopt by rule a monthly surcharge of up to sixty-five
20 cents to be imposed on each wireless communications service
21 number provided in this state. The surcharge shall be imposed
22 uniformly on a statewide basis and simultaneously on all
23 wireless communications service numbers as provided by rule of
24 the ~~administrator~~ director.

25 Sec. 49. Section 34A.7A, subsection 2, paragraphs a and h,
26 Code 2011, are amended to read as follows:

27 a. An amount as appropriated by the general assembly to the
28 ~~administrator~~ director shall be allocated to the ~~administrator~~
29 director and program manager for implementation, support, and
30 maintenance of the functions of the ~~administrator~~ director and
31 program manager and to employ the auditor of state to perform
32 an annual audit of the wireless E911 emergency communications
33 fund.

34 h. The ~~administrator~~ director, in consultation with the
35 program manager and the E911 communications council, shall

1 adopt rules pursuant to chapter 17A governing the distribution
2 of the surcharge collected and distributed pursuant to this
3 subsection. The rules shall include provisions that all joint
4 E911 service boards and the department of public safety which
5 answer or service wireless E911 calls are eligible to receive
6 an equitable portion of the receipts.

7 Sec. 50. Section 34A.15, subsection 3, Code Supplement
8 2011, is amended to read as follows:

9 3. The council shall advise and make recommendations to
10 the ~~administrator~~ director and program manager regarding
11 the implementation of this chapter. Such advice and
12 recommendations shall be provided on issues at the request of
13 the ~~administrator~~ director or program manager or as deemed
14 necessary by the council.

15 Sec. 51. Section 35A.5, subsection 16, Code Supplement
16 2011, is amended to read as follows:

17 16. In coordination with the ~~military division of the~~
18 department of public defense, advise service members prior to,
19 and after returning from, deployment on active duty service
20 outside the United States of issues related to the filing
21 of tax returns and the payment of taxes due and encourage a
22 service member who has not filed a return or who owes taxes to
23 contact the department of revenue prior to deployment.

24 Sec. 52. Section 80.28, subsection 2, paragraph a,
25 subparagraph (3), Code 2011, is amended to read as follows:

26 (3) One member representing the department of homeland
27 security and emergency management ~~division~~.

28 Sec. 53. Section 80B.11C, Code 2011, is amended to read as
29 follows:

30 **80B.11C Telecommunicator training standards.**

31 The director of the academy, subject to the approval of
32 the council, in consultation with the Iowa state sheriffs'
33 and deputies' association, the Iowa police executive forum,
34 the Iowa association of chiefs of police and peace officers,
35 the Iowa state police association, the Iowa association

1 of professional fire fighters, the Iowa emergency medical
2 services association, the joint council of Iowa fire service
3 organizations, the Iowa department of public safety, the Iowa
4 chapter of the association of public safety communications
5 officials-international, inc., the Iowa chapter of the
6 national emergency number association, the department of
7 homeland security and emergency management ~~division of the Iowa~~
8 ~~department of public defense~~, and the Iowa department of public
9 health, shall adopt rules pursuant to chapter 17A establishing
10 minimum standards for training of telecommunicators. For
11 purposes of this section, "telecommunicator" means a person who
12 receives requests for, or dispatches requests to, emergency
13 response agencies which include, but are not limited to, law
14 enforcement, fire, rescue, and emergency medical services
15 agencies.

16 Sec. 54. Section 97B.49B, subsection 1, paragraph e,
17 subparagraph (8), Code Supplement 2011, is amended to read as
18 follows:

19 (8) An airport fire fighter employed by the ~~military~~
20 ~~division of the department of public defense~~.

21 Sec. 55. Section 100B.22, subsection 1, paragraph a, Code
22 2011, is amended to read as follows:

23 a. Regional emergency response training centers shall be
24 established to provide training to fire fighters and other
25 emergency responders. The lead public agency for the training
26 centers shall be the following community colleges for the
27 following merged areas:

28 (1) Northeast Iowa community college for merged area I
29 in partnership with the Dubuque county firemen's association
30 and to provide advanced training in agricultural emergency
31 response as such advanced training is funded by the department
32 of homeland security and emergency management ~~division of the~~
33 ~~department of public defense~~.

34 (2) North Iowa area community college for merged area II in
35 partnership with the Mason City fire department.

1 (3) Iowa lakes community college for merged area III and
2 northwest Iowa community college for merged area IV.

3 (4) Iowa central community college for merged area V and to
4 provide advanced training in homeland security as such advanced
5 training is funded by the department of homeland security and
6 emergency management ~~division of the department of public~~
7 ~~defense.~~

8 (5) Hawkeye community college for merged area VII in
9 partnership with the Waterloo regional hazardous materials
10 training center and to provide advanced training in hazardous
11 materials emergency response as such advanced training is
12 funded by the department of homeland security and emergency
13 management ~~division of the department of public defense.~~

14 (6) Eastern Iowa community college for merged area IX in
15 partnership with the city of Davenport fire department.

16 (7) Kirkwood community college for merged area X in
17 partnership with the city of Coralville fire department and the
18 Iowa City fire department and to provide advanced training in
19 agricultural terrorism response and mass casualty and fatality
20 response as such advanced training is funded by the department
21 of homeland security and emergency management ~~division of the~~
22 ~~department of public defense.~~

23 (8) Des Moines area community college for merged area XI and
24 Iowa valley community college for merged area VI and to provide
25 advanced training in operations integration in compliance
26 with the national incident management system as such advanced
27 training is funded by the department of homeland security and
28 emergency management ~~division of the department of public~~
29 ~~defense.~~

30 (9) Western Iowa technical community college for merged
31 area XII in partnership with the Sioux City fire department
32 and to provide advanced training in emergency responder
33 communications as such advanced training is funded by the
34 department of homeland security and emergency management
35 ~~division of the department of public defense.~~

1 (10) Iowa western community college for merged areas XIII
2 and XIV in partnership with southwestern community college and
3 the Council Bluffs fire department.

4 (11) Southeastern Iowa community college for merged areas
5 XV and XVI in partnership with Indian hills community college
6 and the city of Fort Madison fire department.

7 Sec. 56. Section 135.141, subsection 2, paragraphs a and j,
8 Code 2011, are amended to read as follows:

9 a. Coordinate with the department of homeland security
10 and emergency management ~~division of the department of public~~
11 ~~defense~~ the administration of emergency planning matters
12 which involve the public health, including development,
13 administration, and execution of the public health components
14 of the comprehensive emergency plan and emergency management
15 program pursuant to section 29C.8.

16 j. Adopt rules pursuant to chapter 17A for the
17 administration of this division of this chapter including rules
18 adopted in cooperation with the Iowa pharmacy association
19 and the Iowa hospital association for the development of a
20 surveillance system to monitor supplies of drugs, antidotes,
21 and vaccines to assist in detecting a potential public health
22 disaster. Prior to adoption, the rules shall be approved by
23 the state board of health and the ~~administrator~~ director of
24 the department of homeland security and emergency management
25 ~~division of the department of public defense~~.

26 Sec. 57. Section 135.145, subsections 1 and 2, Code 2011,
27 are amended to read as follows:

28 1. When the department of public safety or other federal,
29 state, or local law enforcement agency learns of a case of a
30 disease or health condition, unusual cluster, or a suspicious
31 event that may be the cause of a public health disaster, the
32 department or agency shall immediately notify the department,
33 the ~~administrator~~ director of the department of homeland
34 security and emergency management ~~division of the department~~
35 ~~of public defense~~, the department of agriculture and land

1 stewardship, and the department of natural resources as
2 appropriate.

3 2. When the department learns of a case of a disease
4 or health condition, an unusual cluster, or a suspicious
5 event that may be the cause of a public health disaster, the
6 department shall immediately notify the department of public
7 safety, the department of homeland security and emergency
8 ~~management division of the department of public defense~~, and
9 other appropriate federal, state, and local agencies and
10 officials.

11 Sec. 58. Section 163.3A, subsection 2, Code Supplement
12 2011, is amended to read as follows:

13 2. The services shall be performed under the direction of
14 the department and may be part of measures authorized by the
15 governor under a declaration or proclamation issued pursuant to
16 chapter 29C. In such case, the department shall cooperate with
17 the Iowa department of public health under chapter 135, and the
18 department of ~~public defense~~, homeland security and emergency
19 ~~management division~~, and local emergency management agencies as
20 provided in chapter 29C.

21 Sec. 59. Section 163.51, subsection 2, paragraph b, Code
22 2011, is amended to read as follows:

23 *b.* If the department confirms an outbreak of foot and
24 mouth disease in this state, the department shall cooperate
25 with the governor; federal agencies, including the United
26 States department of agriculture; and state agencies, including
27 the department of homeland security and emergency management
28 ~~division of the department of public defense~~, in order to
29 provide the public with timely and accurate information
30 regarding the outbreak. The department shall cooperate with
31 organizations representing agricultural producers in order to
32 provide all necessary information to agricultural producers
33 required to control the outbreak.

34 Sec. 60. Section 305.8, subsection 1, paragraph b, Code
35 2011, is amended to read as follows:

1 *b.* In consultation with the department of homeland security
2 and emergency management ~~division of the department of public~~
3 ~~defense~~, establish policies, standards, and guidelines for
4 the identification, protection, and preservation of records
5 essential for the continuity or reestablishment of governmental
6 functions in the event of an emergency arising from a natural
7 or other disaster.

8 Sec. 61. Section 455B.266, subsection 1, paragraph d, Code
9 2011, is amended to read as follows:

10 *d.* Determination by the department in conjunction with
11 the department of homeland security and emergency management
12 ~~division of the department of public defense~~ of a local crisis
13 which affects availability of water.

14 Sec. 62. Section 455B.385, Code 2011, is amended to read as
15 follows:

16 **455B.385 State hazardous condition contingency plan.**

17 All public agencies, as defined in chapter 28E, shall
18 cooperate in the development and implementation of a state
19 hazardous condition contingency plan. The plan shall detail
20 the manner in which public agencies shall participate in the
21 response to a hazardous condition. The director may enter
22 into agreements, with approval of the commission, with any
23 state agency or unit of local government or with the federal
24 government, as necessary to develop and implement the plan.
25 The plan shall be coordinated with the department of homeland
26 security and emergency management ~~division of the department~~
27 ~~of public defense~~ and any joint emergency management agencies
28 established pursuant to chapter 29C.

29 Sec. 63. Section 466B.3, subsection 4, paragraph d, Code
30 Supplement 2011, is amended to read as follows:

31 *d.* The ~~administrator~~ director of the department of homeland
32 security and emergency management ~~division of the department of~~
33 ~~public defense~~ or the ~~administrator's~~ director's designee.

34 Sec. 64. REPEAL. Sections 29.2, 29.3, and 29C.7, Code and
35 Code Supplement 2011, are repealed.

1 Sec. 65. TRANSITION PROVISIONS.

2 1. Any rule, regulation, form, order, or directive
3 promulgated by the division of homeland security and
4 emergency management of the department of public defense shall
5 continue in full force and effect until amended, repealed,
6 or supplemented by affirmative action of the department of
7 homeland security and emergency management as established in
8 this Act.

9 2. All employees of the division of homeland security and
10 emergency management of the department of public defense shall
11 be considered employees of the department of homeland security
12 and emergency management upon the elimination of the former and
13 creation of the latter as provided in this Act.

14 DIVISION VII

15 IOWA JOBS BOARD

16 Sec. 66. Section 12.87, subsection 12, Code Supplement
17 2011, is amended to read as follows:

18 12. Neither the treasurer of state, the Iowa ~~jobs board~~
19 finance authority, nor any person acting on behalf of the
20 treasurer of state or the Iowa ~~jobs board~~ finance authority
21 while acting within the scope of their employment or agency, is
22 subject to personal liability resulting from carrying out the
23 powers and duties conferred by this section and sections 12.88
24 through 12.90.

25 Sec. 67. Section 16.193, subsection 1, Code Supplement
26 2011, is amended to read as follows:

27 ~~1. The Iowa finance authority, subject to approval by the~~
28 ~~Iowa jobs board,~~ shall adopt administrative rules pursuant to
29 chapter 17A necessary to administer the Iowa jobs program and
30 Iowa jobs II program. The authority shall ~~provide the board~~
31 ~~with assistance in implementing administrative functions, be~~
32 responsible for providing technical assistance and application
33 assistance to applicants under the programs, negotiating
34 contracts, and providing project follow up. ~~The authority, in~~
35 ~~cooperation with the board, may conduct negotiations on behalf~~

1 ~~of the board with applicants regarding terms and conditions~~
2 ~~applicable to awards under the program.~~

3 Sec. 68. Section 16.194, subsection 2, Code 2011, is amended
4 to read as follows:

5 2. A city or county or a public organization in this
6 state may submit an application to the ~~Iowa jobs board~~
7 authority for financial assistance for a local infrastructure
8 competitive grant for an eligible project under the program,
9 notwithstanding any limitation on the state's percentage in
10 funding as contained in section 29C.6, subsection 17.

11 Sec. 69. Section 16.194, subsection 4, unnumbered paragraph
12 1, Code 2011, is amended to read as follows:

13 The ~~board~~ authority shall consider the following criteria in
14 evaluating eligible projects to receive financial assistance
15 under the program:

16 Sec. 70. Section 16.194, subsection 7, Code 2011, is amended
17 to read as follows:

18 7. In order for a project to be eligible to receive
19 financial assistance from the ~~board~~ authority, the project
20 must be a public construction project pursuant to subsection 1
21 with a demonstrated substantial local, regional, or statewide
22 economic impact.

23 Sec. 71. Section 16.194, subsection 8, unnumbered paragraph
24 1, Code 2011, is amended to read as follows:

25 The ~~board~~ authority shall not approve an application for
26 assistance for any of the following purposes:

27 Sec. 72. Section 16.194, subsection 9, paragraph b, Code
28 2011, is amended to read as follows:

29 *b.* Any portion of an amount allocated for projects
30 that remains unexpended or unencumbered one year after the
31 allocation has been made may be reallocated to another project
32 category, at the discretion of the ~~board~~ authority. The ~~board~~
33 authority shall ensure that all bond proceeds be expended
34 within three years from when the allocation was initially made.

35 Sec. 73. Section 16.194, subsection 10, Code 2011, is

1 amended to read as follows:

2 10. The ~~board~~ authority shall ensure that funds obligated
3 under this section are coordinated with other federal program
4 funds received by the state, and that projects receiving funds
5 are located in geographically diverse areas of the state.

6 Sec. 74. Section 16.194A, subsections 2, 7, 9, and 10, Code
7 2011, are amended to read as follows:

8 2. A city or county in this state that applies the smart
9 planning principles and guidelines pursuant to sections 18B.1
10 and 18B.2 may submit an application to the ~~Iowa jobs board~~
11 authority for financial assistance for a local infrastructure
12 competitive grant for an eligible project under the program,
13 notwithstanding any limitation on the state's percentage in
14 funding as contained in section 29C.6, subsection 17.

15 7. In order for a project to be eligible to receive
16 financial assistance from the ~~board~~ authority, the project
17 must be a public construction project pursuant to subsection 1
18 with a demonstrated substantial local, regional, or statewide
19 economic impact.

20 9. Any portion of an amount allocated for projects
21 that remains unexpended or unencumbered one year after the
22 allocation has been made may be reallocated to another project
23 category, at the discretion of the ~~board~~ authority. The ~~board~~
24 authority shall ensure that all bond proceeds be expended
25 within three years from when the allocation was initially made.

26 10. The ~~board~~ authority shall ensure that funds obligated
27 under this section are coordinated with other federal program
28 funds received by the state, and that projects receiving funds
29 are located in geographically diverse areas of the state.

30 Sec. 75. Section 16.194A, subsection 4, unnumbered
31 paragraph 1, Code 2011, is amended to read as follows:

32 The ~~board~~ authority shall consider the following criteria in
33 evaluating eligible projects to receive financial assistance
34 under the program:

35 Sec. 76. Section 16.194A, subsection 8, unnumbered

1 paragraph 1, Code 2011, is amended to read as follows:

2 The ~~board~~ authority shall not approve an application for
3 assistance for any of the following purposes:

4 Sec. 77. Section 16.195, Code Supplement 2011, is amended
5 to read as follows:

6 **16.195 Iowa jobs program application review.**

7 1. Applications for assistance under the Iowa jobs program
8 and Iowa jobs II program shall be submitted to the ~~Iowa finance~~
9 authority for review and approval. ~~The authority shall provide~~
10 ~~a staff review and evaluation of applications to the Iowa jobs~~
11 ~~program review committee referred to in subsection 2 and to the~~
12 ~~Iowa jobs board.~~

13 2. ~~A review committee composed of members of the board~~
14 ~~as determined by the board shall review Iowa jobs program~~
15 ~~applications submitted to the board and make recommendations~~
16 ~~regarding the applications to the board.~~ When reviewing the
17 applications, ~~the review committee and the authority shall~~
18 consider the project criteria specified in sections 16.194 and
19 16.194A. The ~~board~~ authority shall develop the appropriate
20 level of transparency regarding project fund allocations.

21 3. Upon approval of an application for financial assistance
22 under the program, the ~~board~~ authority shall notify the
23 treasurer of state regarding the amount of moneys needed to
24 satisfy the award of financial assistance and the terms of the
25 award. The treasurer of state shall notify the ~~Iowa finance~~
26 authority any time moneys are disbursed to a recipient of
27 financial assistance under the program.

28 Sec. 78. Section 16.196, Code 2011, is amended to read as
29 follows:

30 **16.196 Iowa jobs ~~restricted capitals fund~~ — appropriations.**

31 ~~1. An Iowa jobs restricted capitals fund is created and~~
32 ~~established as a separate and distinct fund in the state~~
33 ~~treasury. The fund consists of moneys appropriated from~~
34 ~~the revenue bonds capitals fund created in section 12.88.~~
35 ~~The moneys in the fund are appropriated to the Iowa jobs~~

~~1 board for purposes of the Iowa jobs program established in
2 section 16.194. Moneys in the fund shall not be subject to
3 appropriation for any other purpose by the general assembly,
4 but shall be used only for the purposes of the Iowa jobs
5 program. The treasurer of state shall act as custodian of the
6 fund and disburse moneys contained in the fund. The fund shall
7 be administered by the board which shall make allocations from
8 the fund consistent with the purposes of the Iowa jobs program.~~

9 ~~2.~~ 1. There is appropriated from the revenue bonds capitals
10 fund created in section 12.88, ~~to the Iowa jobs restricted~~
11 ~~capitals fund,~~ for the fiscal year beginning July 1, 2009, and
12 ending June 30, 2010, one hundred sixty-five million dollars to
13 be allocated as follows:

14 ~~a.~~ One hundred eighteen million five hundred thousand
15 dollars for competitive grants for local infrastructure
16 projects relating to disaster rebuilding, reconstruction
17 and replacement of local buildings, flood control and flood
18 protection, and future flood prevention public projects. An
19 applicant for a local infrastructure grant shall not receive
20 more than fifty million dollars in financial assistance from
21 the fund.

22 ~~b.~~ Forty-six million five hundred thousand dollars for
23 disaster relief and mitigation and local infrastructure
24 grants for the following renovation and construction projects,
25 notwithstanding any limitation on the state's percentage
26 participation in funding as contained in section 29C.6,
27 subsection 17:

28 (1) For grants to a county with a population between
29 one hundred eighty-nine thousand and one hundred ninety-six
30 thousand in the latest preceding certified federal census, to
31 be distributed as follows:

32 (a) Ten million dollars for the construction of a new,
33 shared facility between nonprofit human service organizations
34 serving the public, especially the needs of low-income Iowans,
35 including those displaced as a result of the disaster of 2008.

1 (b) Five million dollars for the construction or renovation
2 of a facility for a county-funded workshop program serving
3 the public and particularly persons with mental illness or
4 developmental disabilities.

5 (2) For grants to a city with a population between one
6 hundred ten thousand and one hundred twenty thousand in the
7 latest preceding certified federal census, to be distributed
8 as follows:

9 (a) Five million dollars for an economic redevelopment
10 project benefiting the public by improving energy efficiency
11 and the development of alternative and renewable energy
12 technologies.

13 (b) Ten million dollars for a museum serving the public and
14 dedicated to the preservation of an eastern European cultural
15 heritage through the collection, exhibition, preservation, and
16 interpretation of historical artifacts.

17 (c) Five million dollars for a theater serving the public
18 and promoting culture, entertainment, and tourism.

19 (d) Five million dollars for a public library.

20 (e) Five million dollars for a public works building.

21 (3) One million five hundred thousand dollars, to be
22 distributed as follows:

23 (a) Five hundred thousand dollars to a city with a
24 population between six hundred and six hundred fifty in the
25 latest preceding certified federal census, for a public fire
26 station.

27 (b) Five hundred thousand dollars to a city with a
28 population between one thousand four hundred and one thousand
29 five hundred in the latest preceding certified federal census,
30 for a public fire station.

31 (c) Five hundred thousand dollars for a city with a
32 population between seven thousand eight hundred and seven
33 thousand eight hundred fifty, for a public fire station.

34 ~~3-~~ 2. Grant awards for a project under subsection 2,
35 paragraph "b", are contingent upon submission of a plan for

1 each project by the applicable county or city governing board
2 or in the case of a project submitted pursuant to subsection
3 2, paragraph "b", subparagraph (2), subparagraph division (b),
4 by the board of directors, to the ~~Iowa jobs board~~ authority,
5 no later than September 1, 2009, detailing a description of
6 the project, the plan to rebuild, and the amount or percentage
7 of federal, state, local, or private matching moneys which
8 will be or have been provided for the project. Funds not
9 utilized in accordance with subsection 2, paragraph "b", due
10 to failure to file a plan by the September 1 deadline shall
11 revert to the ~~Iowa jobs restricted~~ revenue bonds capitals fund
12 to be available for local infrastructure competitive grants. A
13 grant recipient under subsection 2, paragraph "b", shall not be
14 precluded from applying for a local infrastructure competitive
15 grant pursuant to this section and section 16.195.

16 ~~4. Moneys in the fund are not subject to section 8.33.~~
17 ~~Notwithstanding section 12C.7, subsection 2, interest or~~
18 ~~earnings on moneys in the fund shall be credited to the fund.~~

19 ~~5.~~ 3. Annually, on or before January 15 of each year, the
20 ~~board~~ authority shall report to the legislative services agency
21 and the department of management the status of all projects
22 receiving moneys from the fund completed or in progress. The
23 report shall include a description of the project, the progress
24 of work completed, the total estimated cost of the project, a
25 list of all revenue sources being used to fund the project, the
26 amount of funds expended, the amount of funds obligated, and
27 the date the project was completed or an estimated completion
28 date of the project, where applicable.

29 ~~6.~~ 4. Payment of moneys appropriated from the fund shall be
30 made in a manner that does not adversely affect the tax-exempt
31 status of any outstanding bonds issued by the treasurer of
32 state.

33 Sec. 79. Section 16.197, Code 2011, is amended to read as
34 follows:

35 **16.197 Limitation of liability.**

1 ~~A member of the Iowa jobs board, a person acting on behalf of~~
2 ~~the board while acting within the scope of their employment or~~
3 ~~agency,~~ The authority or the treasurer of state, shall not be
4 subject to personal liability resulting from carrying out the
5 powers and duties of the ~~board~~ authority or the treasurer, as
6 applicable, in sections ~~16.192~~ 16.193 through 16.196.

7 Sec. 80. IOWA JOBS BOARD — TRANSITION PROVISIONS —
8 LIMITATION OF LIABILITY.

9 1. Any contract or agreement issued or entered into by the
10 Iowa jobs board relating to the provisions of this division
11 of this Act, in effect on the effective date of this division
12 of this Act, shall continue in full force and effect and
13 any responsibility of the board relative to the contracts or
14 agreements as provided in those contracts or agreements shall
15 be transferred to the Iowa finance authority.

16 2. A member of the Iowa jobs board or a person acting on
17 behalf of the board while acting within the scope of that
18 person's employment or agency shall not be subject to personal
19 liability resulting from carrying out the powers and duties
20 of the board prior to the effective date of this division of
21 this Act, as applicable, in sections 12.87 through 12.90 and in
22 sections 16.192 through 16.196, Code and Code Supplement 2011.

23 Sec. 81. REPEAL. Sections 16.191 and 16.192, Code
24 Supplement 2011, are repealed.

25 DIVISION VIII

26 OFFICE OF DRUG CONTROL POLICY

27 Sec. 82. Section 80.8, subsection 3, paragraph a, Code 2011,
28 is amended to read as follows:

29 a. The salaries of peace officers and employees of the
30 department and the expenses of the department shall be provided
31 for by a legislative appropriation, except the salary of the
32 drug policy coordinator shall be fixed by the governor as
33 provided in section 80E.1. The compensation of peace officers
34 of the department shall be fixed according to grades as to rank
35 and length of service by the commissioner with the approval of

1 the department of administrative services, unless covered by a
2 collective bargaining agreement that provides otherwise.

3 Sec. 83. Section 80.9, Code 2011, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 10. The department shall receive and review
6 the budget submitted by the drug policy coordinator and assist
7 the drug policy coordinator in directing the office of drug
8 control's policy pursuant to section 80E.1.

9 Sec. 84. Section 80.17, subsection 1, Code 2011, is amended
10 by adding the following new paragraph:

11 NEW PARAGRAPH. *g.* Office of drug control policy.

12 Sec. 85. Section 80E.1, subsection 1, Code 2011, is amended
13 to read as follows:

14 1. The office of drug control policy is established in the
15 department of public safety. A drug policy coordinator shall
16 be appointed by the governor, subject to confirmation by the
17 senate, and shall serve at the pleasure of the governor. The
18 governor shall fill a vacancy in the office in the same manner
19 as the original appointment was made. The coordinator shall be
20 selected primarily for administrative ability. The coordinator
21 shall not be selected on the basis of political affiliation
22 and shall not engage in political activity while holding the
23 office. The salary of the coordinator shall be fixed by the
24 governor.

25 Sec. 86. Section 80E.1, subsection 2, paragraph a, Code
26 2011, is amended to read as follows:

27 *a.* Direct the ~~governor's~~ office of drug control policy,
28 and coordinate and monitor all statewide narcotics enforcement
29 efforts, coordinate and monitor all state and federal substance
30 abuse treatment grants and programs, coordinate and monitor all
31 statewide substance abuse prevention and education programs
32 in communities and schools, and engage in such other related
33 activities as required by law. The coordinator shall work in
34 coordinating the efforts of the department of corrections, the
35 department of education, the Iowa department of public health,

1 ~~the department of public safety~~, and the department of human
2 services. The coordinator shall assist in the development
3 and implementation of local and community strategies to fight
4 substance abuse, including local law enforcement, education,
5 and treatment activities.

6 Sec. 87. Section 124.101, subsection 21, Code 2011, is
7 amended to read as follows:

8 21. "*Office*" means the ~~governor's~~ office of drug control
9 policy, as referred to in section 80E.1.

10 Sec. 88. Section 135.130, subsection 2, Code 2011, is
11 amended to read as follows:

12 2. A substance abuse treatment facility advisory council
13 is established within the department to advise and make
14 recommendations to the director regarding the establishment
15 and operation of a facility for persons with a substance
16 abuse problem who are on probation and to assist with the
17 implementation of treatment programs that are proven to
18 be effective for offenders. The substance abuse treatment
19 facility advisory council shall consist of the directors of the
20 eight judicial district departments of correctional services
21 and one representative each from the judicial branch, the Iowa
22 department of public health, the department of corrections, and
23 the ~~governor's~~ office of drug control policy.

24 Sec. 89. Section 216A.132, subsection 1, paragraph b, Code
25 2011, is amended to read as follows:

26 *b.* The departments of human services, corrections, and
27 public safety, the office on the status of African Americans,
28 the department of public health, the chairperson of the board
29 of parole, the attorney general, the state public defender,
30 and the ~~governor's~~ office of drug control policy shall each
31 designate a person to serve on the council.

32 Sec. 90. Section 216A.140, subsection 5, paragraph h, Code
33 2011, is amended to read as follows:

34 *h.* ~~Governor's office~~ Office of drug control policy.

35 Sec. 91. Section 602.8108, subsection 4, Code Supplement

1 2011, is amended to read as follows:

2 4. The clerk of the district court shall remit all moneys
3 collected from the drug abuse resistance education surcharge
4 provided in section 911.2 to the state court administrator
5 for deposit in the general fund of the state and the amount
6 deposited is appropriated to the ~~governor's~~ office of drug
7 control policy for use by the drug abuse resistance education
8 program and other programs directed for a similar purpose.

9 DIVISION IX

10 ELECTRONIC COMMUNICATIONS

11 Sec. 92. Section 22.7, Code Supplement 2011, is amended by
12 adding the following new subsection:

13 NEW SUBSECTION. 65. Electronic mail addresses of
14 individuals collected by state departments and agencies for the
15 purpose of electronic communications.

16 Sec. 93. STATE DEPARTMENT AND AGENCY LIMITATIONS ON
17 MAIL. Notwithstanding any provision of the law to the
18 contrary, a state department or agency shall provide
19 departmental or agency notices or information through the
20 department's or agency's internet site or through electronic
21 mail to the fullest extent possible. This requirement shall
22 not apply to department and agency communications required for
23 purposes of pursuing legal action or to comply with federal
24 law. Departments and agencies shall have rulemaking authority
25 to implement this section and to collect electronic mail
26 addresses for the purpose of electronic communications.

27 DIVISION X

28 STATE RECORDS

29 Sec. 94. Section 96.11, subsection 11, Code 2011, is amended
30 to read as follows:

31 11. *Destruction of records.* The department may destroy
32 or dispose of such original reports or records as have been
33 properly recorded or summarized in the permanent records of
34 the department and are deemed by the director and the ~~state~~
35 ~~records commission~~ department of cultural affairs to be no

1 longer necessary to the proper administration of this chapter.
2 Wage records of the individual worker or transcripts therefrom
3 may be destroyed or disposed of, if approved by the ~~state~~
4 ~~records-commission~~ department of cultural affairs, two years
5 after the expiration of the period covered by such wage records
6 or upon proof of the death of the worker. Such destruction
7 or disposition shall be made only by order of the director in
8 consultation with the ~~state-records-commission~~ department of
9 cultural affairs. Any moneys received from the disposition of
10 such records shall be deposited to the credit of the employment
11 security administration fund, subject to rules promulgated by
12 the department.

13 Sec. 95. Section 305.2, subsection 2, Code 2011, is amended
14 to read as follows:

15 2. "Archives" means records that have been appraised by
16 the ~~state-records-commission~~ department as having sufficient
17 historical, research, evidential, or informational value to
18 warrant permanent preservation and that have been transferred
19 to the custody of the state archives.

20 Sec. 96. Section 305.2, subsections 3 and 5, Code 2011, are
21 amended by striking the subsections.

22 Sec. 97. Section 305.2, Code 2011, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 4A. "Department" means the department of
25 cultural affairs.

26 Sec. 98. Section 305.2, subsection 10, Code 2011, is amended
27 to read as follows:

28 10. "Records series retention and disposition schedule"
29 means a timetable established by the ~~state-records-commission~~
30 department that describes the length of time a records series
31 of an agency or multiple agencies must be retained in active
32 and inactive status and provides authorization for a final
33 disposition of the records series by destruction or permanent
34 retention.

35 Sec. 99. Section 305.4, unnumbered paragraph 1, Code 2011,

1 is amended to read as follows:

2 The ~~commission~~ department shall adopt government information
3 policies, standards, and guidelines to do all of the following:

4 Sec. 100. Section 305.8, subsection 1, unnumbered paragraph
5 1, Code 2011, is amended to read as follows:

6 The ~~commission~~ department shall do all of the following:

7 Sec. 101. Section 305.8, subsection 1, Code 2011, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. *0e.* Provide training, advice, and counsel
10 to agencies on government information policies, standards, and
11 guidelines.

12 Sec. 102. Section 305.8, subsection 1, Code 2011, is amended
13 by adding the following new paragraphs:

14 NEW PARAGRAPH. *0f.* Develop and distribute operating
15 procedures for agencies to use to implement the plans,
16 policies, standards, and guidelines adopted by the department.

17 NEW PARAGRAPH. *00f.* Manage any centralized records storage
18 facility established by the department for the temporary
19 storage of agency records prior to their final disposition by
20 destruction or permanent preservation in accordance with the
21 records series retention and disposition schedules.

22 NEW PARAGRAPH. *000f.* Appoint a state archivist to head the
23 state archives and records program.

24 NEW PARAGRAPH. *0000f.* Manage the state archives and develop
25 operating procedures for the transfer, accession, arrangement,
26 description, preservation, protection, and public access of
27 those records the department identifies as having permanent
28 value.

29 NEW PARAGRAPH. *00000f.* Maintain physical custody and legal
30 custody of archives that have been transferred and delivered
31 to the state archives.

32 (1) Upon receipt by the state archivist, the archives shall
33 not be removed without the state archivist's consent except in
34 response to a subpoena of a court of record or in accordance
35 with approved records series retention and disposition

1 schedules or after review and approval of the department.

2 (2) Upon request, the state archivist shall make a certified
3 copy of any record in the legal custody or in the physical
4 custody of the state archivist, or a certified transcript
5 of any record if reproduction is inappropriate because of
6 legal or physical considerations. If a copy or transcript is
7 properly authenticated, it has the same legal effect as though
8 certified by the officer from whose office it was transferred
9 or by the secretary of state. The department shall establish
10 reasonable fees for certified copies or certified transcripts
11 of records in the legal custody or physical custody of the
12 state archivist.

13 NEW PARAGRAPH. *000000f.* Establish, maintain, and administer
14 an archive of records created and maintained in electronic
15 format in order to preserve and provide public access to state
16 government records identified as having permanent historical
17 value by the department.

18 Sec. 103. Section 305.8, subsection 1, Code 2011, is amended
19 by adding the following new paragraph:

20 NEW PARAGRAPH. *0i.* Establish rates to be charged an agency
21 by the department for storage and retention of records of
22 the agency in a records storage facility maintained by the
23 department. Rates established shall be reviewed annually by
24 the department and shall be reasonably related to the cost of
25 storing and retaining records of an agency.

26 Sec. 104. Section 305.8, subsection 2, unnumbered paragraph
27 1, Code 2011, is amended to read as follows:

28 The ~~commission~~ department may do all of the following:

29 Sec. 105. Section 305.8, subsection 2, Code 2011, is amended
30 by adding the following new paragraph:

31 NEW PARAGRAPH. *0g.* Upon written consent of the state
32 archivist, accept records of political subdivisions that are
33 voluntarily transferred to the state archives.

34 Sec. 106. Section 305.8, subsection 2, paragraph e, Code
35 2011, is amended to read as follows:

1 e. Make, or cause to be made, preservation duplicates of
2 records, which may include existing copies of original state
3 records. Any preservation duplicate record shall be durable,
4 accurate, complete, and clear, and shall be made by means
5 designated by the ~~commission~~ department.

6 Sec. 107. NEW SECTION. **305.8A Records retention and storage**
7 **costs — billing — internal service fund.**

8 1. The department may bill an agency for records storage
9 and retention services rendered by the department pursuant to
10 the rates established by the department for these services.
11 The department shall periodically render a billing statement
12 to an agency outlining the cost of services provided. The
13 amount indicated on the statement shall be paid by the agency
14 and amounts received by the department shall be considered
15 repayment receipts as defined in section 8.2, and deposited
16 into the accounts of the department.

17 2. a. The department may establish and maintain an internal
18 service fund in accordance with generally accepted accounting
19 principles, as defined in section 8.57, for the records storage
20 and retention activities of the department which are primarily
21 funded from billings to agencies for services rendered by the
22 department.

23 b. The internal service fund shall be administered by
24 the department and shall consist of moneys collected by the
25 department from billings issued in accordance with this section
26 and any other moneys obtained or accepted by the department,
27 including but not limited to gifts, loans, donations, grants,
28 and contributions, which are designated to support the
29 activities of the internal service fund.

30 c. The proceeds of the internal service fund established
31 pursuant to this section shall be used by the department
32 for the operations of the department in records storage and
33 retention consistent with this chapter.

34 d. Section 8.33 does not apply to any moneys in the
35 internal service fund established pursuant to this section.

1 Notwithstanding section 12C.7, subsection 2, interest or
2 earnings on moneys deposited in the fund shall be credited to
3 the fund.

4 e. The director of the department shall annually provide
5 financial information and reports relative to the internal
6 service fund established pursuant to this section to the
7 department of management and the general assembly. The
8 information provided may include the recommendation that a
9 portion of unexpended net income be periodically returned to
10 the appropriate funding source.

11 Sec. 108. Section 305.10, subsection 1, paragraphs c, d, e,
12 f, and j, Code 2011, are amended to read as follows:

13 c. Cooperate with the ~~state records commission~~ department
14 and the state archives and records program in the development
15 and implementation of government information policies,
16 standards, and guidelines, and in the development and
17 implementation of records series retention and disposition
18 schedules.

19 d. Comply with requests from the ~~state records commission~~
20 ~~or~~ department and the state archives and records program to
21 examine records in the possession, constructive possession, or
22 control of the agency in order to carry out the purposes of
23 this chapter.

24 e. Inventory agency records in accordance with ~~state~~
25 ~~records commission~~ department policies to draft records series
26 retention and disposition schedules.

27 f. Identify vital operating records in accordance with
28 the policies, standards, and guidelines of the ~~state records~~
29 ~~commission~~ department.

30 j. Provide for compliance with this chapter and the rules
31 adopted by the ~~state records commission~~ department.

32 Sec. 109. Section 305.10, subsection 2, Code 2011, is
33 amended to read as follows:

34 2. Agency heads may petition the ~~state records commission~~
35 department to create or modify government information policies,

1 standards, and guidelines, and to create or modify records
2 series retention and disposition schedules.

3 Sec. 110. Section 305.11, Code 2011, is amended to read as
4 follows:

5 **305.11 Termination of state agency — records transfer.**

6 Upon the termination of a state agency whose functions have
7 not been transferred to another agency, custody of the records
8 of the agency shall transfer to the commission department.

9 Sec. 111. Section 305.14, Code 2011, is amended to read as
10 follows:

11 **305.14 Liability precluded.**

12 No ~~member~~ employee of the ~~commission~~ department or head of
13 an agency shall be held liable for damages or loss, or civil
14 or criminal liability, because of the destruction of public
15 records pursuant to the provisions of this chapter or any other
16 law authorizing their destruction.

17 Sec. 112. Section 305.15, Code 2011, is amended to read as
18 follows:

19 **305.15 Exemptions — duties of state department of
20 transportation and state board of regents.**

21 The state department of transportation and the agencies and
22 institutions under the control of the state board of regents
23 are exempt from the state records manual and the provisions of
24 this chapter. However, the state department of transportation
25 and the state board of regents shall adopt rules pursuant to
26 chapter 17A for their employees, agencies, and institutions
27 that are consistent with the objectives of this chapter.
28 The rules shall be approved by the ~~state records commission~~
29 department.

30 Sec. 113. Section 305.16, subsection 6, paragraph b,
31 subparagraph (1), Code 2011, is amended to read as follows:

32 (1) Serve in an advisory capacity to the ~~state records~~
33 commission department, the state archives and records program,
34 and other statewide archival or records agencies.

35 Sec. 114. Section 321.31, subsection 1, paragraph b, Code

1 2011, is amended to read as follows:

2 *b.* The department may make photostatic, microfilm, or other
3 photographic copies of certificates of title, registration
4 receipts, or other records, reports or documents which are
5 required to be retained by the department. When copies have
6 been made, the department may destroy the original records in
7 such manner as prescribed by the director. The photostatic,
8 microfilm, or other photographic copies, when no longer of use,
9 may be destroyed in the manner prescribed by the director,
10 subject to the approval of the ~~state records commission~~
11 department of cultural affairs. Photostatic, microfilm, or
12 other photographic copies of records shall be admissible in
13 evidence when duly certified and authenticated by the officer
14 having custody and control of the copies of records. Records
15 of vehicle certificates of title may be destroyed seven years
16 after the date of issue.

17 Sec. 115. REPEAL. Sections 305.3, 305.5, 305.6, 305.7, and
18 305.9, Code 2011, are repealed.

19 Sec. 116. ADMINISTRATIVE RULES — TRANSITION PROVISIONS.

20 1. Any rule, regulation, form, order, or directive
21 promulgated by the state records commission relative to the
22 provisions of this Act in existence on the effective date of
23 this division of this Act shall continue in full force and
24 effect until amended, repealed, or supplemented by affirmative
25 action of the department of cultural affairs under the duties
26 and powers established in this division of this Act and under
27 the procedure established in subsection 2.

28 2. In regard to updating references and format in the Iowa
29 administrative code in order to correspond to the transferring
30 of duties as established in this division of this Act, the
31 administrative rules coordinator and the administrative rules
32 review committee, in consultation with the administrative code
33 editor, shall jointly develop a schedule for the necessary
34 updating of the Iowa administrative code.

35

DIVISION XI

1 DEPARTMENT OF TRANSPORTATION PROVISIONS

2 Sec. 117. Section 321.105A, subsection 7, Code Supplement
3 2011, is amended to read as follows:

4 7. *Penalty for false statement or evasion of fee.* A person
5 who willfully makes a false statement in regard to the purchase
6 price of a vehicle subject to a fee for new registration or
7 willfully attempts in any manner to evade payment of the fee
8 required by this section is guilty of a fraudulent practice.
9 A person who willfully makes a false statement in regard to
10 the purchase price of such a vehicle with the intent to evade
11 payment of the fee for new registration or willfully attempts
12 in any manner to evade payment of the fee required by this
13 section shall be assessed a penalty of seventy-five percent of
14 the amount of the fee unpaid and required to be paid on the
15 actual purchase price less trade-in allowance.

16 Sec. 118. Section 321.196, subsection 4, Code 2011, is
17 amended to read as follows:

18 4. The department in its discretion may authorize the
19 renewal of a valid driver's license other than a commercial
20 driver's license upon application without an examination
21 provided that the applicant meets one of the following
22 conditions:

23 a. The applicant satisfactorily passes a vision test as
24 prescribed by the department ~~or~~.

25 b. The applicant files a vision report in accordance with
26 section 321.186A which shows that the applicant's visual acuity
27 level meets or exceeds those required by the department.

28 c. The applicant is eligible for license renewal
29 electronically, pursuant to rules adopted by the department.

30 4A. An application for renewal of a driver's license shall
31 include a statement for the applicant to sign that acknowledges
32 the applicant's knowledge of the requirement to notify the
33 department of a mailing address change under section 321.182,
34 subsection 1.

35 Sec. 119. REPEAL. Section 321.116, Code 2011, is repealed.

1 Sec. 120. EMERGENCY RULES. The department of
2 transportation may adopt emergency rules under section 17A.4,
3 subsection 3, and section 17A.5, subsection 2, paragraph "b",
4 to implement section 321.196, subsection 4, paragraph "c",
5 as enacted in this division of this Act, and the rules shall
6 be effective immediately upon filing unless a later date is
7 specified in the rules. Any rules adopted in accordance with
8 this section shall also be published as a notice of intended
9 action as provided in section 17A.4.

10 Sec. 121. EFFECTIVE UPON ENACTMENT. The following
11 provisions of this division of this Act, being deemed of
12 immediate importance, take effect upon enactment:

13 1. The section of this division of this Act amending section
14 321.196, subsection 4.

15 2. The section of this division of this Act authorizing the
16 adoption of emergency rules.

17 Sec. 122. APPLICABILITY. The section of this division of
18 this Act that repeals section 321.116 applies for registration
19 years beginning on or after January 1, 2013.

20 DIVISION XII

21 REPORT — STATE DEBT COORDINATOR

22 Sec. 123. DEPARTMENT OF REVENUE AND OFFICE OF THE STATE
23 DEBT COORDINATOR — REPORT. The director of the department
24 of revenue shall develop and recommend legislative proposals
25 deemed necessary for the continued efficiency of the functions
26 of the office of the state debt coordinator established in
27 section 421C.1, and shall prepare and file a report detailing
28 the recommendations. The report shall be filed by the director
29 of the department of revenue with the department of management,
30 the governor, and the general assembly no later than January
31 14, 2013.

32 DIVISION XIII

33 POLLUTION PREVENTION AND WASTE MANAGEMENT ASSISTANCE

34 Sec. 124. Section 455B.481, subsections 1 through 3, Code
35 2011, are amended to read as follows:

1 1. The purpose of this part is to promote the proper and
2 ~~safe storage, treatment, and disposal~~ management of solid,
3 hazardous, and low-level radioactive wastes in Iowa. The
4 ~~management of these wastes generated within Iowa is the~~
5 ~~responsibility of Iowans. It is the intent of the general~~
6 ~~assembly that Iowans assume this responsibility to the extent~~
7 ~~consistent with the protection of public health, safety, and~~
8 ~~the environment, and that Iowans insure that waste management~~
9 ~~practices, as alternatives to land disposal, including source~~
10 ~~reduction, recycling, compaction, incineration, and other forms~~
11 ~~of waste reduction, are employed.~~

12 2. ~~It is also the intent of the general assembly that a~~
13 ~~comprehensive waste management plan be established by the~~
14 ~~department which includes: the determination of need and~~
15 ~~adequate regulatory controls prior to the initiation of site~~
16 ~~selection; the process for selecting a superior site determined~~
17 ~~to be necessary; the establishment of a process for a site~~
18 ~~community to submit or present data, views, or arguments~~
19 ~~regarding the selection of the operator and the technology~~
20 ~~that best ensures proper facility operation; the prohibition~~
21 ~~of shallow land burial of hazardous and low-level radioactive~~
22 ~~wastes; the establishment of a regulatory framework for a~~
23 ~~facility; and the establishment of provisions for the safe~~
24 ~~and orderly development, operation, closure, postclosure, and~~
25 ~~long-term monitoring and maintenance of the facility.~~

26 3. 2. ~~In order to meet capacity assurance requirements~~
27 ~~of section 104k of the federal Superfund Amendments and~~
28 ~~Reauthorization Act of 1986, Pub. L. No. 99-499, and further~~
29 ~~the objectives of waste minimization, the The department,~~
30 ~~in cooperation with the small business assistance center at~~
31 ~~the university of northern Iowa, shall work with generators~~
32 ~~of hazardous wastes in the state to develop and implement~~
33 ~~aggressive waste minimization programs. The goal of these~~
34 ~~programs is to reduce the volume of hazardous waste generated~~
35 ~~in the state as a whole by twenty-five percent of the amount~~

1 ~~generated as of January 1, 1987, as reported in the biennial~~
2 ~~reports collected by the United States environmental protection~~
3 ~~agency. The twenty-five percent reduction goal shall be~~
4 ~~reached as expeditiously as possible and no later than July~~
5 ~~1, 1994. In meeting the reduction goal, elements "a" through~~
6 ~~"d" of the hazardous waste management hierarchy shall be~~
7 ~~utilized. The department, in cooperation with the small~~
8 ~~business assistance center, shall reassess the twenty-five~~
9 ~~percent reduction goal in 1994. The department shall promote~~
10 ~~research and development, provide and promote educational~~
11 ~~and informational programs, promote and encourage provide~~
12 confidential, voluntary technical assistance to hazardous waste
13 generators, promote assistance by the small business assistance
14 center, and promote other activities by the public and private
15 sectors that support this goal. In the promotion of the goal,
16 the following hazardous waste management pollution prevention
17 hierarchy, in descending order of preference, ~~is established~~
18 ~~by the department:~~

- 19 a. Source reduction for waste elimination.
- 20 b. Reuse.
- 21 c. On-site recycling.
- 22 ~~e.~~ d. Off-site recycling.
- 23 ~~d.~~ e. Waste treatment.
- 24 ~~e.~~ f. Incineration Combustion with energy recovery.
- 25 ~~f.~~ g. Land disposal.

26 Sec. 125. Section 455B.481, subsections 4 and 5, Code 2011,
27 are amended by striking the subsections.

28 Sec. 126. Section 455B.482, Code 2011, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 7A. "Pollution prevention" means employment
31 of a practice that reduces the industrial use of toxic
32 substances or reduces the environmental and health hazards
33 associated with an environmental waste without diluting or
34 concentrating the waste before the release, handling, storage,
35 transport, treatment, or disposal of the waste.

1 Sec. 127. Section 455B.484, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. Implement the waste management policy
4 provided in section 455B.481.

5 Sec. 128. Section 455B.484, subsections 2, 3, 4, 6, 7, 9,
6 and 10, Code 2011, are amended by striking the subsections.

7 Sec. 129. Section 455B.484A, subsection 1, paragraph c,
8 Code 2011, is amended to read as follows:

9 c. "*Assistance program*" means the ~~waste reduction assistance~~
10 pollution prevention program of the department or of the Iowa
11 waste reduction center for safe and economic management of
12 solid waste and hazardous substances conducted pursuant to
13 section 268.4.

14 Sec. 130. Section 455B.485, subsections 3 and 5, Code 2011,
15 are amended by striking the subsections.

16 Sec. 131. Section 455B.486, subsection 1, Code 2011, is
17 amended by striking the subsection.

18 Sec. 132. Section 455B.487, unnumbered paragraph 1, Code
19 2011, is amended to read as follows:

20 The commission shall adopt rules establishing criteria for
21 the identification of land areas or sites which are suitable
22 for the operation of facilities for the management of ~~hazardous~~
23 ~~and~~ low-level radioactive wastes. Upon request, the department
24 shall assist in locating suitable sites for the location of
25 a facility. The commission may purchase or condemn land to
26 be leased or used for the operation of a facility subject to
27 chapter 6A. Consideration for a contract for purchase of land
28 shall not be in excess of funds appropriated by the general
29 assembly for that purpose. The commission may lease land
30 purchased under this section to any person including the state
31 or a state agency. This section authorizes the state to own or
32 operate ~~hazardous waste facilities and~~ low-level radioactive
33 waste facilities, subject to the approval of the general
34 assembly.

35 Sec. 133. Section 455B.487, unnumbered paragraph 11, Code

1 2011, is amended by striking the unnumbered paragraph.

2 Sec. 134. Section 455B.487, subsections 1 through 3, Code
3 2011, are amended by striking the subsections.

4 Sec. 135. Section 455D.1, Code 2011, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 4A. "*Pollution prevention techniques*" means
7 any of the following practices employed by the user of a toxic
8 substance:

9 a. Input substitution, which is the replacement of a toxic
10 substance or raw material used in a production process with a
11 nontoxic or less toxic substance.

12 b. Product reformulation, which is the substitution of an
13 end product which is nontoxic or less toxic upon use or release
14 for an existing end product.

15 c. Production process redesign or modification, which is
16 the development and use of production processes of a different
17 design other than those currently in use.

18 d. Production process modernization, which is the upgrading
19 or replacing of existing production process equipment or
20 methods with other equipment or methods based on the same
21 production process.

22 e. Improved operation and maintenance of existing production
23 process equipment and methods, which is the modification or
24 addition to existing equipment or methods, including but not
25 limited to such techniques as improved housekeeping practices,
26 system adjustments, product and process inspections, and
27 production process control equipment or methods.

28 f. Recycling, reuse, or extended use of toxic substances by
29 using equipment or methods that become an integral part of the
30 production process.

31 Sec. 136. Section 455D.7, subsection 1, Code 2011, is
32 amended to read as follows:

33 1. Unless otherwise specified in this chapter, adopt rules
34 necessary to implement this chapter pursuant to chapter 17A.

35 ~~Initial rules shall be adopted no later than April 1, 1992.~~

1 Sec. 137. Section 455D.7, subsection 4, Code 2011, is
2 amended by striking the subsection.

3 Sec. 138. Section 455D.15, subsection 2, Code Supplement
4 2011, is amended by striking the subsection and inserting in
5 lieu thereof the following:

6 2. The fund shall be utilized by the department for
7 providing technical assistance to Iowa businesses in developing
8 and implementing pollution prevention techniques.

9 Sec. 139. Section 455D.15, subsection 3, Code Supplement
10 2011, is amended by striking the subsection.

11 Sec. 140. Section 455E.8, subsections 2 and 3, Code 2011,
12 are amended by striking the subsections.

13 Sec. 141. REPEAL. Sections 455B.516, 455B.517, and
14 455B.518, Code 2011, are repealed.

15 DIVISION XIV

16 ONGOING PROGRAM REVIEW

17 Sec. 142. Section 2.69, subsection 4, Code 2011, is amended
18 by adding the following new paragraph:

19 NEW PARAGRAPH. *0c.* Comprehensively review on a regular
20 basis the programs and projects administered by state
21 government to determine whether each program and project
22 reviewed is effectively and efficiently meeting the needs for
23 which created, and whether the needs remain applicable. The
24 review shall consider whether modifications to the program or
25 project reviewed could better meet the needs identified in a
26 more effective manner.

27 DIVISION XV

28 BOARDS AND COMMISSIONS

29 Sec. 143. Section 34A.2A, subsection 2, Code 2011, is
30 amended to read as follows:

31 2. The E911 program manager shall act under the supervisory
32 control of the administrator of the homeland security and
33 emergency management division of the department of public
34 defense, and in consultation with the ~~E911 communications~~
35 ~~council~~ state interoperable communications system board

1 established in section 80.28, and perform the duties
2 specifically set forth in this chapter and as assigned by the
3 administrator.

4 Sec. 144. Section 34A.7A, subsection 2, paragraph h, Code
5 2011, is amended to read as follows:

6 *h.* The administrator, in consultation with the program
7 manager and the ~~E911 communications council~~ state interoperable
8 communications system board established in section 80.28, shall
9 adopt rules pursuant to chapter 17A governing the distribution
10 of the surcharge collected and distributed pursuant to this
11 subsection. The rules shall include provisions that all joint
12 E911 service boards and the department of public safety which
13 answer or service wireless E911 calls are eligible to receive
14 an equitable portion of the receipts.

15 Sec. 145. Section 34A.15, subsection 3, Code Supplement
16 2011, is amended to read as follows:

17 3. The council shall advise and make recommendations to
18 the ~~administrator and program manager~~ state interoperable
19 communications system board established in section 80.28
20 regarding the implementation of this chapter. Such advice and
21 recommendations shall be provided on issues at the request
22 of the ~~administrator or program manager~~ state interoperable
23 communications system board established in section 80.28 or as
24 deemed necessary by the council.

25 Sec. 146. Section 80.29, Code 2011, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. 12A. Advise and make recommendations, in
28 consultation with the E911 communications council established
29 in section 34A.15, to the director of the department of
30 homeland security and emergency management and the E911 program
31 manager appointed pursuant to section 34A.2A regarding the
32 implementation of chapter 34A. Such advice and recommendations
33 shall be provided on issues at the request of the director or
34 program manager or as deemed necessary by the board. However,
35 the authority of the board as to this duty is limited to the

1 issues specifically identified in this subsection and does
2 not preempt the authority of the utilities board, created in
3 section 474.1, to act on issues within the jurisdiction of the
4 utilities board.

5 Sec. 147. Section 190A.3, subsection 4, Code 2011, is
6 amended to read as follows:

7 4. ~~The farm-to-school council~~ department of agriculture and
8 land stewardship and the department of education shall actively
9 seek financial or in-kind contributions from organizations or
10 persons to support the program.

11 Sec. 148. Section 256.9, subsection 55, paragraph j, Code
12 Supplement 2011, is amended by striking the paragraph.

13 Sec. 149. REPEAL. Section 190A.2, Code 2011, is repealed.

14 Sec. 150. MULTIPLE AMENDMENTS — HARMONIZATION AND
15 PREVALENCE.

16 1. The amendments in this division of this Act and in
17 the division of this Act creating a department of homeland
18 security and emergency management to section 34A.2A, subsection
19 2, and section 34A.7A, subsection 2, paragraph "h", shall be
20 harmonized by the Code editor in accordance with section 2B.13.

21 2. If section 34A.15, subsection 3, is amended in this
22 division of this Act and in the division of this Act creating a
23 department of homeland security and emergency management, the
24 amendments are deemed irreconcilable and the amendment in this
25 division of this Act shall prevail.

26 DIVISION XVI

27 OBSOLETE PROVISIONS

28 Sec. 151. REPEAL. Section 15.112, Code Supplement 2011, is
29 repealed.

30 Sec. 152. REPEAL. Chapters 15C and 15D, Code 2011, are
31 repealed.

32 EXPLANATION

33 This bill relates to government efficiency, including other
34 matters related to the operation of state and local government.

35 DIVISION I — GOVERNMENT INFORMATION TECHNOLOGY SERVICES.

1 This division amends Code section 8A.205, concerning digital
2 government, to encourage state agencies to utilize duplex
3 printing.

4 The division directs the department of administrative
5 services (DAS) to conduct an inventory of information
6 technology devices utilized by state agencies with the goal of
7 identifying possibilities to reduce costs. DAS is required to
8 submit a report to the general assembly by January 1, 2013,
9 concerning the results of the inventory.

10 The division also directs the department of administrative
11 services (DAS) to establish a schedule for departments to
12 comply with information technology coordination and management
13 requirements of Code chapter 8A. In addition, DAS is
14 encouraged to procure information technology for participating
15 agencies through leasing.

16 DIVISION II — HEALTH INSURANCE TASK FORCE. This division
17 creates a state employee health insurance task force under the
18 authority of the legislative council to examine all aspects
19 of providing health care coverage to state employees. The
20 division provides that the legislative council appoint members
21 for the task force and provides for who should be appointed.
22 The division requires the task force to submit a report to the
23 general assembly by December 31, 2012.

24 DIVISION III — MEDICATION THERAPY MANAGEMENT. This
25 division relates to medication therapy management. The
26 division codifies the pilot program for medication therapy
27 management implemented on July 1, 2010, for eligible state
28 employees, making the program an ongoing program and directing
29 DAS to utilize a request for proposals process and to enter
30 into a contract to continue the program. The division takes
31 effect upon enactment.

32 DIVISION IV — STATE PHYSICAL RESOURCES. This division
33 of the bill requires that DAS conduct an analysis of state
34 employee workstations and office standards by September 30,
35 2012. The division further requires the department to submit

1 findings and recommendations to the capitol planning commission
2 and the legislative fiscal committee by October 30, 2012.

3 DIVISION V — AUDITS. This division concerns audit costs and
4 filing fees for the filing of certain audits or examinations
5 conducted by the auditor of state.

6 Code section 11.6(10) is amended to eliminate the authority
7 of the auditor to establish and collect a filing fee relative
8 to certain audits conducted on certain mental health centers,
9 substance abuse programs, and community action agencies.

10 The division also relates to four commodity organizations
11 representing producers of sheep (and wool), eggs, turkeys,
12 and corn. The marketing, research, and promotional purposes
13 of these organizations are financed by an excise tax or state
14 assessment (commonly referred to as a checkoff) imposed upon
15 the first purchasers of the commodities. Moneys derived from
16 each checkoff are controlled by the governing body of each
17 organization, including the Iowa sheep and wool promotion
18 board, the Iowa egg council, the Iowa turkey marketing council,
19 and the Iowa corn promotion board. In each case, the collected
20 moneys are subject to audit by the auditor of state. In 2010,
21 the general assembly enacted SF 2367 (2010 Iowa Acts, ch.
22 1189) which amended a number of sections referring to those
23 audits, by authorizing the auditor of state to be reimbursed
24 from the organizations for the cost of the audits. The
25 division eliminates the changes made in SF 2367 and restores
26 the sections to the language as it existed prior to that
27 legislation.

28 The division takes effect upon enactment.

29 DIVISION VI — HOMELAND SECURITY AND EMERGENCY MANAGEMENT
30 ORGANIZATION. Currently, the department of public defense is
31 composed of the military division and the homeland security
32 and emergency management division. This division transfers
33 the homeland security and emergency management division of the
34 department of public defense into a new department of homeland
35 security and emergency management. The division retains

1 within the department of public defense responsibility over
2 the office of the adjutant general and the military forces of
3 the state of Iowa. The division provides that the governor
4 appoint the director of the new department. Current duties
5 and responsibilities of the homeland security and emergency
6 management division are transferred to the new department of
7 homeland security and emergency management. In addition,
8 the division transfers the attachment of the Iowa emergency
9 response commission for routine administrative support from the
10 department of public defense to the new department of homeland
11 security and emergency management.

12 The division also includes transition provisions relative
13 to the establishment of the department of homeland security
14 and emergency management. The division provides that any
15 rule, regulation, form, order, or directive promulgated by the
16 division of homeland security and emergency management of the
17 department of public defense shall continue unless modified
18 or otherwise changed by the new department. The division
19 provides that employees of the division of homeland security
20 and emergency management of the department shall be considered
21 employees of the department of homeland security and emergency
22 management.

23 DIVISION VII — IOWA JOBS BOARD. This division eliminates
24 the Iowa jobs board and provides that any duties or
25 responsibilities of the Iowa jobs board shall become the
26 responsibility of the Iowa finance authority. The division
27 also provides transition provisions relative to any contracts
28 or agreements entered into by the Iowa jobs board and provides
29 for a limitation of personal liability for actions by a member
30 or agent of the board taken prior to the effective date of the
31 division relative to the duties of the board.

32 DIVISION VIII — OFFICE OF DRUG CONTROL POLICY. This
33 division transfers the administration of the governor's office
34 of drug control policy from the office of the governor to the
35 department of public safety. The division changes the name

1 of governor's office of drug control policy to office of drug
2 control policy.

3 The division requires the department of public safety to
4 review the budget submitted by the drug policy coordinator and
5 assist the drug policy coordinator in directing the governor's
6 office of drug control policy pursuant to Code section 80E.1.

7 The division does not modify the appointment of the drug
8 policy coordinator. Currently, the governor appoints the drug
9 policy coordinator, subject to confirmation by the senate, and
10 the coordinator serves at the pleasure of the governor.

11 The division also does not modify the current duties of the
12 drug policy coordinator to coordinate and monitor all statewide
13 narcotics enforcement efforts, substance abuse treatment grants
14 and programs, substance abuse prevention and education programs
15 in communities and schools, and to engage in such other related
16 activities as required by law.

17 DIVISION IX — ELECTRONIC COMMUNICATIONS. This division
18 provides that each state department and agency shall provide
19 departmental or agency notices or information through the
20 department's or agency's internet site or through electronic
21 mail to the fullest extent possible. Code section 22.7,
22 concerning confidential public records, is amended to provide
23 that electronic mail addresses of individuals collected by
24 state departments and agencies for the purpose of electronic
25 communications shall be considered confidential.

26 DIVISION X — STATE RECORDS. This division eliminates
27 the state records commission and transfers the duties and
28 responsibilities of the state records commission to the
29 department of cultural affairs. The division includes a
30 transition provision that any rule promulgated by the state
31 records commission shall continue until changed by the
32 department of cultural affairs.

33 The division also authorizes the department of cultural
34 affairs to bill agencies for records storage and retention.
35 Code section 305.8 is amended to provide that the state records

1 commission establish rates to charge agencies for providing
2 records storage and retention services. New Code section
3 305.8A authorizes the department of cultural affairs to bill
4 agencies for records storage and retention services, establish
5 an internal service fund for receipt of moneys from agencies
6 billed for this purpose, and authorizes the department to
7 utilize moneys received and deposited in the fund for the
8 operations of the department in records storage and retention.

9 DIVISION XI — DEPARTMENT OF TRANSPORTATION PROVISIONS.

10 This division contains provisions relating to a variety of
11 matters regulated by the department of transportation.

12 Code section 321.105A is amended to provide that a person
13 who willfully attempts to evade payment of the fee for new
14 registration is guilty of a fraudulent practice. In addition
15 to the criminal penalty, the person shall be assessed a penalty
16 of 75 percent of the amount of the fee unpaid and required to be
17 paid. These are the same penalties that currently apply for
18 making a false statement in regard to the purchase price of a
19 vehicle subject to a fee for new registration.

20 Code section 321.196 is amended to provide that when the
21 department renews a driver's license electronically, it may
22 do so without requiring the licensee to pass a vision test or
23 file a vision report, pursuant to rules of the department.
24 The division authorizes the adoption of emergency rules to
25 implement this provision. The amendment to Code section
26 321.196 and the authorization to adopt emergency rules are
27 effective upon enactment.

28 Code section 321.116, which establishes an annual
29 registration fee of \$25 for electric motor vehicles, is
30 repealed. As a result, electric motor vehicles will be subject
31 to registration fees based on the weight and value of the
32 vehicle. The change applies for registration years beginning
33 on or after January 1, 2013.

34 DIVISION XII — REPORT — STATE DEBT COORDINATOR. This
35 division establishes a report to be prepared and filed by the

1 director of the department of revenue. The director will
2 develop and recommend legislative proposals deemed necessary
3 for the office of the state debt coordinator, which shall
4 be compiled in a report and filed with the department of
5 management, the governor, and the general assembly no later
6 than January 14, 2013.

7 DIVISION XIII — POLLUTION PREVENTION AND WASTE MANAGEMENT
8 ASSISTANCE. This division relates to pollution prevention and
9 waste management assistance.

10 The division amends the waste management assistance
11 provisions of Code chapter 455B by updating the waste
12 management policy. The division includes reuse and combustion
13 with energy recovery in the pollution prevention hierarchy and
14 removes incineration from the hierarchy.

15 The division includes a new definition for "pollution
16 prevention" and uses the term to replace "hazardous waste
17 management" and "waste reduction assistance". The division
18 eliminates references to hazardous waste throughout Code
19 chapter 455B, division IV, part 9, including duties of the
20 department and the environmental protection commission relating
21 to hazardous waste and the location, acquisition, and operation
22 of hazardous waste management facilities.

23 The division eliminates many of the duties of the department
24 in relation to waste management and includes a new general duty
25 to implement the waste management policy.

26 The division eliminates two duties of the environmental
27 protection commission in relation to waste management policy.
28 The duties relate to budget requests and approval of certain
29 contracts and agreements.

30 The division eliminates a duty of the commission to
31 recommend to the general assembly, annually, the imposition of
32 waste abatement fees, rebates, and deposits.

33 The division amends provisions related to the waste volume
34 reduction and recycling fund. The division eliminates a
35 requirement that grants from the fund be awarded based on the

1 solid waste management hierarchy. The division provides that
2 the fund shall be utilized for purposes of providing technical
3 assistance to Iowa businesses in developing and implementing
4 pollution prevention techniques.

5 The division eliminates two duties of the director of the
6 department relating to groundwater reporting requirements.

7 The division repeals Code sections 455B.516, 455B.517, and
8 455B.518, which relate to the toxics pollution prevention
9 program.

10 DIVISION XIV — ONGOING PROGRAM REVIEW. This division
11 amends Code section 2.69, establishing the legislative
12 state government efficiency review committee, to provide
13 that the committee also conduct a comprehensive review on a
14 regular basis of programs and projects administered by state
15 government.

16 DIVISION XV — BOARDS AND COMMISSIONS. This division
17 provides that the duties of the E911 communications council
18 relative to advising homeland security and emergency management
19 on enhanced 911 emergency telephone systems are transferred
20 to the state interoperable communications system board.
21 The division retains the E911 communications council and
22 provides that the council shall advise the state interoperable
23 communications system board relative to enhanced 911 emergency
24 telephone systems.

25 The division repeals the farm-to-school council.

26 DIVISION XVI — OBSOLETE PROVISIONS. This division repeals
27 Code section 15.112, relating to matching funds for a farmworks
28 national demonstration project; Code chapter 15C, relating to
29 a world trade center; and Code chapter 15D, relating to the
30 midwest nuclear compact, which contains provisions relating to
31 repeal and withdrawal from the compact.